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**Legislative Assembly
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of Debates
(Hansard)**

Thursday 2 December 1993

**Journal
des débats
(Hansard)**

Jeudi 2 décembre 1993

Speaker
Honourable David WarnerClerk
Claude L. DesRosiersPrésident
L'honorable David WarnerGreffier
Claude L. DesRosiers

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Thursday 2 December 1993

The House met at 1002.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

ASSISTANCE TO ADULTS WITH DEVELOPMENTAL DISABILITIES

Mrs Marland moved private member's notice of motion number 33:

That, in the opinion of this House, recognizing that persons with developmental disabilities are valued members of our society who require assistance from the provincial government in order to enjoy the quality of life, independence and community living that persons without disabilities take for granted;

And recognizing that there is a severe shortage of support for adults with developmental disabilities, including supported employment, alternatives to sheltered workshops, a variety of living options, family support services and parent relief;

And recognizing that institutions for persons with developmental disabilities are being closed before sufficient community support is in place for the discharged residents;

And recognizing that when youths with developmental disabilities turn 21 years of age, they are no longer eligible for children's support programs but can rarely be accommodated in support programs for adults because of the shortage of resources and services;

And recognizing that parents who care for adults with developmental disabilities in their homes require provincial government assistance to allow them to enjoy some of the freedom from child care responsibilities that most parents of adult children take for granted;

And recognizing that as the parents of adults with developmental disabilities grow older, they worry about who will care for their children when they can no longer do so;

And recognizing that the Ministry of Community and Social Services cut \$1.5 million from its funding of sheltered workshops in 1992-93, then promised it would not execute a further planned cut to sheltered workshops of \$1.5 million in 1993-94, but none the less reduced its 1993-94 transfer payments to community living associations by \$1.5 million;

And recognizing that the 1993-94 Estimates for Community and Social Services show a \$20.3 million (11.9%) decrease in the budget for community accommodation for adults with developmental disabilities;

And recognizing that despite new provincial funding of \$21.08 million in 1993 for persons with developmental disabilities, there is still a crisis in support for adults with developmental disabilities;

And recognizing that possible cost savings have been identified in other program areas of the Community and Social Services portfolio, including:

—social services fraud, misallocation and mismanagement (\$630 million per year, or 10% of the province's

social assistance budget, according to the Provincial Auditor);

—payments to convert private day care centres to non-profit centres, bail out non-profit day care centres that are in financial difficulty and build new non-profit centres through the Jobs Ontario Capital program, even though many existing day care centres, both non-profit and private, have excess capacity (total expenditure: approximately \$200 million);

And recognizing that in other portfolios, cost savings could be achieved by reducing health card fraud (\$675 million a year) and reducing workers' compensation fraud (\$150 million a year), to cite just two examples;

Therefore the government of Ontario should immediately undertake to reform the financing of support for adults with developmental disabilities, giving consideration to the following:

—person-centred planning, whereby funding is allocated directly to each person with a developmental disability for that person and her or his family or guardian to decide how best to meet his or her needs;

—improving the funding of community-based support so that the closing of institutions can proceed on schedule and the former residents of institutions can be ensured access to a full range of community support;

—redirecting funds to adults with developmental disabilities from other areas, such as those mentioned above, where expenditure cuts could be achieved.

The Deputy Speaker (Mr Gilles E. Morin): Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for her presentation.

Mrs Margaret Marland (Mississauga South): Before speaking to my resolution, I would like to thank the many persons with developmental disabilities and their families, advocates and care givers who are in the galleries today. The delegation from Community Living Mississauga is about 80 people. Many other groups are represented too. These people went to great effort to be here because it is critical that we reform this government's financial support for adults with developmental disabilities. I hope the outcome of today's debate will not let them down.

The subject of my private member's resolution is one of many which, as the Progressive Conservative spokesperson for disability issues, I could have chosen to debate today.

Whether disabled persons are adults or children, whether their disabilities are physical, developmental or psychiatric, many of them face an uncertain future. Their lives could be a little more fulfilling with a little more support from other Ontarians, through our government. As a supposedly advanced and humanitarian society, how can we neglect the needs of persons with disabilities?

I realize that many Ontarians are experiencing hard times. Half a million of us are out of work. Even those of us lucky enough to have kept our jobs through this brutal recession find it hard to pay higher taxes and do without

services we used to enjoy.

Similarly, the Ontario government is facing exceptional fiscal challenges. I know that as legislators, we can't just snap our fingers and come up with a few million dollars more for this health service or that social program. However, we cannot let hard times blind us to the fact that there are people who need support from this government simply to enjoy the basic rights and the simple human pleasures that most of us take for granted.

Moreover, there is something very, very wrong when we cannot support the vulnerable members of our society, yet we are not doing everything possible to prevent fraud, to manage our resources better and to eliminate programs that we simply do not need.

1010

Today we are debating the lack of support to adults with developmental disabilities. I chose this subject after a large number of parents contacted me because their children, who are approaching their 21st birthdays, are about to lose their children's services and there are no adult services to replace them.

This is not to imply that there are no problems in the support of children with developmental disabilities. On the contrary, cuts to special services at home, parent relief and recreational programs, to name just a few areas, have placed an incredible strain on families who have children with developmental disabilities. None the less, those children are entitled to educational services until they turn 21 years of age.

There are other supports too that are limited to children and cut off once those children reach adulthood. After a birthday that most of us celebrate as our coming of age, young adults with developmental disabilities are cut off from the social network they used to enjoy. No longer can they count on being with their peers during the day or learning new skills. No longer can their parents count on the daytime freedom to earn a living or pursue other activities.

Among the people who are present in the galleries today are Shawna McKittrick, a young woman with autism, who is about to turn 21, and her mother, Lois Mercer. Lois is a single parent who works as an early childhood educator in Hamilton. Her daughter, Shawna, currently spends weekdays in a children's group home in Maple called Kerry's Place. Shawna has made great progress in its program for autistic children. However, that home, like most, has a long waiting list. Kerry's Place will try to keep Shawna until an adult placement can be found, but her future there is unclear. Moreover, at the end of this month, Shawna's transportation funding from the Board of Education for the City of Hamilton will be cut off. That means her mother will have to get permission to leave work very early on Friday afternoons in order to drive to Maple to pick up Shawna. Lois may have to quit her job and go on social assistance to stay home and look after Shawna, who requires constant supervision in a structured environment.

Lois Mercer worked very hard to get a post-secondary education so she wouldn't have to rely on social assistance to support herself and her family. Are we telling her

that the only way she can care for her daughter is to go back on social assistance again? Talk about counter-productive.

I could spend the whole hour allotted to this debate recounting more and more stories like that of Lois and Shawna. As Lois herself says, this debate is not about her daughter only; it is about every person with special needs.

Even if the parents' financial situation is such that they can keep their adult children at home, what happens when the parents grow elderly and can no longer care for their children? I met with a group of older parents in Kingston who are facing that eventuality. They have already made many sacrifices to ensure that their children live in a loving, supportive environment where they can be busy and happy. These parents have never enjoyed the freedom from child care responsibilities that most of us take for granted once our children have grown up. Even something as commonplace as a night out or a short vacation is often impossible for them. Now that the parents' health is failing, they know there are few community support services for their children and they are trying desperately to prevent their children being placed in institutions.

The Ontario government has sadly failed these parents and their children. We have in place a policy to close institutions and redirect resources to community living settings. But what is happening? Closing institutions which are very expensive to run should free up money for community support. But if anything, the shortage of community resources is getting worse, not better. Whether the need is for a day program, a few hours of respite care for their parents, or independent living, far too many adults with developmental disabilities have no community support whatsoever. To me, this makes no sense. It appears that not all the money saved from closing the institutions is being rechannelled into community care.

I ask this government, where is that money going? Why are there not more community services for persons with developmental disabilities? I am sure the only reason for this lack of support is that a few thousand rather than several thousand families are affected. But the number of disabled persons in Ontario is rising as our population ages. We must come to terms now with how we are going to manage the challenge of supporting persons with disabilities and their families. This is no simple matter.

However, in my discussions with disabled persons, their families and supporting organizations such as community living associations, several people have raised the option of providing funds directly to persons with developmental disabilities and their parents or guardians. This way, the disabled person and his or her family can decide what support they most need. They would have more control over their lives. The care would be what they need, rather than what happens to be funded. Metaphorically speaking, right now we are trying to put round pegs in square holes and vice versa, instead of matching support to the individual's needs.

We also have to look at ways to redirect money from other areas to the support of persons with developmental disabilities. Even if we expend the existing allotment in

a smarter fashion, it won't be enough. Obviously, a first target in government cost-cutting must be fraud, mismanagement and waste. We know there is much room for correction in the program areas of social assistance, health cards and workers' compensation. Also, there are many government programs and policies that are costly and unnecessary. For instance, in my resolution, I cited the payments to convert private day care centres into non-profit centres.

I will address some more additional points when my turn comes up later in the debate. For now, I ask the members of this Legislature to recognize that the lack of support for adults with developmental disabilities and their families has reached a critical state.

Applause.

The Deputy Speaker: I would ask the people in the gallery not to applaud. Only the members on the floor have the right and the privilege of applauding.

Mr Randy R. Hope (Chatham-Kent): I'm glad the member for Mississauga South has raised the issue of this government's support for people with developmental handicaps. I would hope the member would have read the public documents such as the annual estimates. These clearly show the Ministry of Community and Social Services has not only maintained its commitment but has increased it.

I would like to first address the member's concern about our commitment by first focusing on the bigger picture. The goal of this government is to continue to integrate people with developmental handicaps into the community, because it is the best-known way of improving the quality of their lives. Our plan and directions are based on the multi-year plan, which is now in its seventh year. The multi-year plan is a 25-year plan document that will see almost every institutionalized person with a developmental handicap living in the community. At the same time, we must do without the assistance of expanding tax bases.

This government has increased spending by almost \$100 million since coming into office; in other words, our developmental services spending has increased just over 12% since we took office.

1020

Now I'd like to show the member for Mississauga South how we are wisely using tax moneys in carrying through with our commitment to people with developmental handicaps, and it can be shown in many ways.

(1) There are many people in older institutional settings, psychiatric hospitals, sheltered workshops etc. We are working closely with people with developmental handicaps and their representative groups to establish them in the community, again based on the multi-year plan.

(2) We are doing this despite the significant cost of maintaining two systems at the same time. While we are creating a community-based system, we still have to fund the old institutional-based system until all of the clients are moved over. In a time of extremely tight money, that we see fit to continue funding this changeover is proof enough of our support to people with developmental

handicaps.

Without a growing tax base, we cannot throw money around as previous governments did. We have to work harder to better use the resources we have, and we have done that.

(3) This government has consistently found millions more to provide for the most vulnerable group in our society by tightening up the administrative and financial mess left by previous administrations. We are already doing what the member from Mississauga is recommending.

(4) This government is the first one to ever create a separate branch for developmental services that brings together operational and policy functions under one roof.

(5) This government is responding to the training needs of people with developmental handicaps by allowing the community-led committee on sheltered workshops to expand its mandate to look at all employment training initiatives.

This government has been driven by trying to find the best possible solutions within our means to find the ways to improve the quality of life for the vulnerable people in our society. As I read the resolution, which is clearly showing its support for the developmentally handicapped, I must say that this government has, because in the indications since 1990 with community-based agencies, in 1990 we were spending \$488.9 million, and in 1993-94, the estimates are that \$608.8 million is being spent. The depletion in the government institutions from \$303 million in 1990 is now down to \$286 million.

So the resolution may be wrong. It agrees in principle with working with the people with developmental handicaps. This government is showing its commitment and will still show its commitment. I know there are some groups out in the community that are opposed to the resolution being put forward today.

Mrs Yvonne O'Neill (Ottawa-Rideau): I rise this morning to speak to the resolution put forward in this House by the member for Mississauga South. Since becoming my party's critic for the Ministry of Community and Social Services nearly two years ago, I've been continually frustrated; frustrated by this government's inability to effectively manage the services for Ontario's most vulnerable citizens.

As the member's resolution states, there is a severe shortage of support for adults with developmental difficulties, disabilities, including supported employment, alternatives to sheltered workshops, a variety of living options, family support services and indeed parent relief.

The NDP government continues to promise community-based services through which each person will be provided with programs in their own community to meet their own individual needs. That sounds very good.

During the public hearings on Bill 101 last February, one of the deputants was Mrs Joan Rowe-Sleeman from Huronia Helpers, and I'm sure people in the gallery will know this lady. Huronia Helpers is a parent organization at Huronia Regional Centre. This is a schedule 1 facility with over 600 residents, 600 residents with varying needs. She said:

"There are indications that this process of change is like a riderless horse galloping off in all directions. The government is proceeding to close institutions and the residents are being reabsorbed into the general population, but there doesn't seem to be any real understanding of the degree of care needed for these residents." If I may interrupt that quote, that's the real crux of the matter. To continue:

"They are a most vulnerable group and we have seen little, if any, evidence that this group of severe to profoundly handicapped people has been considered realistically in policy planning." That again is the crux of the matter.

She went on to tell us: "We have...a group of people who can actually be said to be already in long-term care.... At the present time very few, if any, residents are leaving Huronia Regional Centre for the community. It would appear that their health requirements are so difficult that very few adequate and affordable placements can be found for them."

And she continued: "In the Metro area...there are 2,500 crisis situations...where aging parents," and some of them marched on this Legislature, "with developmentally handicapped dependants at home are in dire straits because of their own poor health. Their own age is making it difficult for them to care for their sons and daughters and they're actually frantic with worry about how they'll be taken care of."

Margaret Paproski, another person who many in this province know as an advocate and a long-standing advocate and president of the Federation of Ontario Facility Liaison Groups, also made a presentation during those public hearings on long-term care. The federation she represents speaks for the developmentally delayed, speak for groups of parents, relatives and friends of people who are living in Ontario institutions.

Mrs Paproski gave us some very revealing statistics about one facility in eastern Ontario, the Rideau Regional Centre in Smiths Falls. "Approximately 90% of the people there have been diagnosed in the range of severe to profound retardation; 85% of the residents of "at that facility are over 30; 45% are over the age of 40; 6% are deaf; 46% have epilepsy; 16% have cerebral palsy; 33% exhibit severe behavioural problems and 19% are non-ambulatory." Obviously, the individual needs of these people are very significant and very specialized. Individuals with such severe problems require a wide range of services, including specialized health care, physiotherapy, supported employment, respite care and family support.

Even with this poignant testimony that I've spent most of my time relating, the strongest commitment we've been able to get out of this NDP government is, and I quote from government documents, "Beginning within the next three years there will be a review of the two systems." So within the next three years—no real time lines—a review. "Long-term care and services for those with developmental disabilities will be reviewed to product a better-coordinated, efficient system that reflects the concerns of consumers, their families and providers." Doesn't that sound nice.

This just isn't adequate. It isn't just. It's an insult to

the people who are here this morning, the developmentally delayed, their families and their advocates. The needs of these vulnerable people and their families are obvious and they're immediate, yet they are given little, they're promised little within the complete mandate of this government, its full five years in power.

On September 20, 1993, the minister announced with great fanfare the allocation of \$21 million to the developmentally delayed. The purpose of this announcement was to show, and I quote from the minister's press release, "this government's resolve to support the most vulnerable members of our society during this time of fiscal restraint."

Let me share with this House some of the many things this province-wide, right across the province, \$21 million is going to accomplish.

—Funding community placements of residents from Northwestern Regional Centre, which is scheduled to close in 1994.

—Initiating the closure of Oxford Regional Centre in Woodstock.

—Proceeding with community placement from other institutions.

—Funding special services at home.

—Promoting development of community services.

—Funding new and existing services for people living in two Simcoe county nursing homes.

—Addressing the health and safety measures in five facilities.

1030

This is going to be a very, very busy \$21 million. It's just a first step, a modest first step, to accommodate the magnitude of genuine, real needs right across this province of real people, some of whom are with us this morning.

This \$21 million is being presented when other expenditure control and social contract outcomes are inevitably cutting services to those in need on a daily basis, and each of us in this Legislature is receiving letters to that effect.

I note also that the \$21-million figure earmarked in the minister's announcement is remarkably similar to the projected decrease—I repeat, decrease—of \$20.3 million in the budget for community accommodation for adults with disabilities which we find in the 1993-94 estimates.

As the presenter of this motion has said very well, there is a great deal of comparison with the \$22 million that's been spent for very ideologically driven motives in the conversion of child care without one extra space, one extra subsidized space, one extra child being cared for in this province.

The \$22 million that has been devoted to the conversion process in child care could've been directed to the needs of real people within this real community in this province. The people we are speaking about this morning, the developmentally delayed, could have begun to have a real reason to believe that their government had them and their needs on the front burner, but no, decisions were made otherwise.

This government must begin to take its responsibilities to the developmentally delayed very much more seriously. This government must begin to allay the fears and the concerns of real people who are supporting the vulnerable in our communities, the parents, the care givers, the advocates.

The adequate community services are just not there, and that is the crux of the matter. The community-based services must continue to be developed. They must meet real needs of real people and they must become a priority of this NDP government within its present mandate before the year 1995.

Mr Allan K. McLean (Simcoe East): I welcome the opportunity to comment briefly on this important resolution. I want to thank my colleague the member for Mississauga South for bringing it to our attention. This resolution calls on the provincial government to immediately undertake to reform the financing of support for adults with developmental disabilities by giving consideration to:

- Person-centred planning, whereby funding is allocated directly to each person with a developmental disability for that person and his or her family or guardian to decide how best to meet his or her needs.

- Improving the funding of community-based support so that the closing of institutions can proceed on schedule and the former residents of institutions can be assured access to a full range of community support.

- Redirecting funds to adults with developmental disabilities from other areas such as those mentioned above where expenditure cuts could be achieved.

I will be supporting this resolution because the current provincial government's approach to dealing with the plight of the adults with developmental disabilities across Ontario has been lame, to say the least.

Unfortunately, the provincial government is taking that same lame approach when it comes to the closure of institutions without any thought to the needs of the developmentally disabled. I am disappointed that the current Minister of Community and Social Services has firmly entrenched his ministry's position to close institutions without any new data or rationale, with no recognition of the significant needs of people who have severe to profound intellectual disabilities, and no acknowledgement of any of the constructive recommendations proposed by the Federation of Ontario Facility Liaison Groups.

I share concerns expressed to me by the Orillia Association for the Handicapped about the minister's irrational plans to cut funding for in-home community therapy services and sheltered workshops like the ARC Industries in Orillia.

I agree with foster parents like Isabel Seguin, Margaret Smit of Orillia and Shirley Black of Brechin, who are outraged at the NDP government's plan to claw back a portion of the federal children's special allowance which is used to offset the cost of raising children in their care. This is another example of a provincial government policy that is outrageous, insensitive and irresponsible, and that is why I'll be supporting this resolution from the

member for Mississauga South.

I will also be supporting it in an effort at reflecting the opinions of my constituents in Simcoe East, who recently responded to a questionnaire that asked, "Do you believe the appropriate support services are in place that would facilitate the policy of deinstitutionalization and allow developmentally handicapped persons to live with dignity in the community?" In response, 28% were undecided, 21% said yes and 51% said no, the appropriate support services are not in place to allow the developmentally disabled to live with dignity in the community.

I urge my colleagues to support the member for Mississauga South in her efforts at improving the funding of community-based support so that the closing of institutions can proceed on schedule and the former residents of institutions can be assured access to a full range of community support. Huronia Regional Centre is in my riding; the member for Ottawa-Rideau spoke with regard to the Huronia Helpers. I want to thank you, Madam Speaker, for the opportunity to say a few words.

Mr David Winninger (London South): I would certainly like to commend the member for Mississauga South for bringing forward this resolution today. I think it has provoked and will provoke some very important discussion around how we can best meet the needs of people with developmental disabilities.

Parts of the resolution are quite positive. They place a value on people with developmental disabilities. They affirm and encourage quality of life, independent living and full participation in community life. I think it's very important that we be mindful of the commitments in this kind of resolution.

Virtually not a week goes by when I don't hear from parents in my own constituency of children with developmental disabilities, including children with autism, and the monumental challenges that those parents face each and every day, sometimes 24 hours a day, even during their sleep, with children who wake up, who are hyperactive, who have demands that are not easily met; who need respite care and need more respite care, who need supports in their homes, who need supports in their community so that their children can live independently in their homes where they can receive love and affection and a nurturing environment. These are very important supports that parents of developmentally handicapped children require if they're going to continue to be able to keep their families together.

Certainly supported employment is important, living options, family supports, parental relief. The special services at home program needs to be a flexible one, it needs to be able to meet the needs of individual families and their children. Yes, sheltered workshops are important for those children who are unable to enter mainstream life, but on the other hand I think we need to encourage as much as we possibly can the integration of children into mainstream life.

One of the ways to do that is to improve access, access to child care, access to education, access to skills training and access to the job force, so it strikes me as a little strange that some members of the Conservative Party and the Liberal Party would oppose Bill 79, our employment

equity legislation, which strives to do just that sort of thing, to improve access to the workforce for disabled people.

There will always be people, young and older, infants and more mature people, who are unable to adjust necessarily to a competitive work environment, and we need to look a little more at how we handle children with severe disabilities. I know that many nations in the G-7, such as Great Britain, Italy, France and Japan, have made very progressive strides towards dealing with people with severe disabilities. I know that ARCH and PUSH here in Ontario would like to make the same kind of progress that has, for example, been made in the United States for people with severe disabilities.

1040

This government has already taken several steps, despite the economic constraints under which we're suffering, to integrate children and more mature people with developmental disabilities into the workforce, not only employment equity but also our reform of skills training, known as OTAB, which seeks to invoke the full talents and skills of the developmentally disabled.

In schools, we're no longer segregating children with special or exceptional needs. We're trying to integrate them into the regular classrooms.

Our reform of the social assistance system is notable in that one of the provisions is Job Link, which is designed to provide people who are currently on social assistance, on family benefits because they have disabilities, with opportunities to enter the workforce. If they are unable to work due to mental or physical disabilities, they still need options, options to participate fully in community life. The key to giving them the options is to remove some of the barriers and some of the discrimination that children with disabilities and their parents encounter when they seek to do so.

Child care is important too. We continue to reform our child care system to make it more accessible, more affordable, to add quality to it. It's important that children with developmental disabilities participate in these reforms as well.

Housing: we have a tremendous commitment to the construction of non-profit and co-op housing. In each and every one of these housing projects today, normally there are units for disabled people.

It's important that there be community supports for those disabled people if they're to have independent living: Groups homes, yes, where necessary, but encourage independence wherever possible, but provide community supports to those children and their parents where necessary.

We recently announced that we're implementing the Lightman recommendations. That too is important news for people with developmental disabilities.

Health care, reform of the long-term care system: That too is a very important initiative to confirm that when people are moved out of institutions the necessary community supports are there for them.

Just to close, in London, through the Coordinating Council for Children and Youth, we've done a good job,

I think, of coordinating services for youth, but there's a lot more that can be done and should be done.

Mr Robert V. Callahan (Brampton South): It's a pleasure to join in the debate this morning. I too want to congratulate the member for Mississauga South.

Since the process of deinstitutionalization was started some time ago, we all, I think of all party stripes, have watched this with great sensitivity.

It makes sense. These people who at one time in our history we thought were not capable of independent living, were not capable of a lot of things, those of us who do not suffer from that developmental handicap have grown to understand that these people can be developed to their full potential and have to be developed to their full potential.

Probably the most heart-wrenching thing, though, as was indicated by one of the members in the debate, is that we as parents, if we're making our will or are making plans for our children in the possibility that we may pass on before they reach adulthood, have grave concern and go to great extremes to do that. Parents of these children, who will become adults, have that concern with them constantly, and as they grow old, it becomes an even more pressing and more demanding problem for them.

That's where government, of whatever political stripe, has to place great emphasis: on providing the services to ensure that those people able to live independently do so, yes, but also that you can relieve the minds of those parents who see themselves growing old and perhaps are not seeing the services being kept up by the government of the day in terms of ensuring that those young people or those adults will be secure.

I suggest to you that it really comes down to a matter of how you deal with the economic affairs of the province. It causes me some concern to watch this government; I hate to say this. They look at areas where the private sector could continue to operate—day care is one that's suggested in the resolution—and instead it wants not-for-profit, wants government to run it, wants government to fund it. I say to you, wake up. Let the private sector look after day care. Use the very scarce dollars you have to improve the system to provide the safety net for these young people and these young adults, to allow them to live independently, to allow them to reach their full potential and, most importantly, to allow their parents to feel comfortable that when they pass on or they become incapacitated, that the government of the day will have the funds sufficient to do that in an appropriate way.

I can only see one parallel to the concerns of parents as they grow older. Their concern must be equivalent to that of the parents of a schizophrenic. I know that is not related to this particular issue, but it's one that concerns me and one that has to be changed by this government. The parents of the schizophrenic don't know where their child is: He or she has been released from institutions; we don't institutionalize them any more. They're out on the streets; they're the street people of this province, the street people of this country. We have a Mental Health Act which does not require them to take their medication. That has to be amended. We have an OHIP plan which

doesn't pay for the most recently discovered type of drug that can be taken, which is far more acceptable to schizophrenics.

It's things like that which cause parents great concern. I feel there's a parallel between that and the parents of people who have developmental handicaps. They in fact are worrying, they're waiting. They want to be sure that when they pass on or become incapacitated, their loved ones will be looked after adequately.

I suggest again that it's a matter of how you deal with your money. I suggest that the government of the day unfortunately is putting money into things that are better handled in the private sector, and that if it didn't do that, there would be funds available to ensure that each and every individual in Ontario and in Canada who has a developmental handicap would be able to reach their full potential and their parents would be able to rest easy, knowing that the government, which is using the taxes they pay, is using them properly, fairly and wisely to ensure that all of these programs that are available continue to be so.

I notice in the resolution that there are certain transfers that have been reduced. I always hear the Premier of the day, in fact this morning on Gzowski, talking about the cutbacks of the feds in transfer payments. Well, Premier, don't cut back transfers to your particular ministries, this one.

Mr Leo Jordan (Lanark-Renfrew): I want to say a few words in support of my colleague the member for Mississauga South, particularly regarding the improving of funding of community-based support so that the closing of institutions can proceed on schedule. I want to make clear to the government and remind it that there is a certain percentage of these residents who cannot be placed outside of the institution.

As the member for Ottawa-Rideau has pointed out, for the Rideau Regional Centre in Smiths Falls, that institution has been reduced, I would say, from the information made available to me, to the numbers now that basically have to be retained in that type of environment. It is an excellent building, in excellent shape, and the living standards there are extremely high. I would strongly recommend to the government that it look at that particular location as a location for the province of Ontario for those residents who are not able to go out into the community regardless of the money available.

1050

Ms Sharon Murdock (Sudbury): I don't have much time this morning, unfortunately, because I think this is the kind of debate that should go on for a lot longer. I know some of my colleagues have already mentioned the multi-year plan and have already mentioned the special services at home review that has been under way for a couple of years. Even in my own community, Mila Wong from community living has been talking to me a great deal and I understand the situation entirely.

But I want to speak in my brief time to the particular resolution of the "therefore" at the end. Historically, we know that the idea was to hide people away. Anybody who was even slightly different was supposed to be

locked up and not be a bother to anyone. Of course that reform has been going on. It took a long time coming, and it is still going on, we are still doing many, many things. Unfortunately, as with a number of other things, you can't do it all in a very short time, much as we would like to.

To have 600 people, as the member opposite says, in an institution is totally unacceptable; there's no question of that. and in the three years that we've been the government, that reform is continuing. Again, you can't take 600 people with no place to go; they have to have the support that's in the community. On that, we're very much in agreement.

But the government's job—any government; I don't care which political stripe it is—is to balance whatever decisions it has to make with the funding dollars it has. We have to deal with real people, as the member opposite said, people who need housing, people who need social assistance reform, people who need education, people who need health care, people who need all of those things, with the smaller and smaller dollars we're getting. Given the restraints, I think to have actually increased the budget in the social assistance reform for the developmentally challenged is a very good indicator of the commitment we have to this area. I wish we could do more.

On the resolution, focusing on the "giving consideration to" part at the end, "redirecting funds to adults" is the only part I have a problem with, because you can't just redirect to people with developmental disabilities; you have to redirect any savings you find to all kinds of areas and you can't just do it to the one. With the proviso that it's giving consideration to the three items she has mentioned, I support this.

Mr Cameron Jackson (Burlington South): First of all, at the outset let me say I want to commend my colleague and close friend the member for Mississauga South. Both of us were elected on the same day in this House back in 1985, but we also were school trustees in different jurisdictions. Between us, we've figured out that we have about 35 years of participation with and support of community living associations in our community. I'm not surprised to see this resolution and the level of commitment coming from our critic responsible for disability issues, and I, as the critic for Community and Social Services, wish to put some points on the record.

Today we're going to hear a lot about dollars spent and dollars not spent, but really the issue is whether or not politicians in this chamber representing three different political parties understand what's going on in communities; whether or not this government or the previous government is committed or was committed to having listened to the needs of the disabilities community. If they had listened to them and understood clearly what they were saying, then we would have proceeded in an orderly fashion, building upon understandings of how we were going to make this a more caring, humane society where people with disabilities had an equal place and an equal standing in our society.

We as Conservatives believe we understood this fundamental right, that children who are handicapped

should not be shunted away and hidden, that they had a right to be integrated into our school system, so it was our government that brought in Bill 82 and fundamentally worked on that principle. The philosophy of understanding and listening to what families were doing grew so that we started an understanding of a multi-year plan, that the role was not to hide people away in institutions. There is a role for some people in institutions—don't get me wrong—but far too many children were just put away there, and the promise and the understanding was that we would bring them back into the community.

But what we as politicians have to remember is that there were a lot of families who didn't put their children into institutions, who made conscious decisions that the most supportive, loving environment they could provide was in their home.

So why would we stop listening to those people and just stay focused on those people in institutions? We have stopped listening to those people, apparently, when we look at where the government is spending its money and who the government's listening to.

Frankly, I've seen some very terrible turns in the wrong direction since this government was elected. I want to run through these very quickly, because I've been the Community and Social Services critic and my colleague has been responsible for disability issues since this government was elected.

I recall when the whole multi-year plan was seized by a private meeting between Fred Upshaw of the union and Zanana Akande, the then minister. The differently abled community had to fight to get their rights back to all the ground they'd earned over the seven-year period leading up to that.

We've seen the reductions in sheltered workshops, because there's again that sort of union bias that nobody in society should be paid less than minimum wage. But did they understand exactly what was happening in sheltered workshops? No. The unions again are going to dictate to the community, to the families, just how their lives will be ordered.

We've seen supported living rules change dramatically, not only access, saying to families: "You can't pick who you want to come into your home and assist you with the daily living activities. Oh no, we've got to have somebody we choose to go in there." When that person has difficulty lifting an adult and throws his back out and goes on workers' compensation, now it's the workers' comp expense for that family. These are the kinds of things that are going on out there, and nobody's listening.

There are more issues. Long-term care reform: They were told from day one, "You don't count." Now, where are these people going to live? Family after family comes and visits us year after year. The parents are getting older. Their ability to care for a 35-year-old living in their home is getting difficult. We're not providing the supports. I'm watching a family where a mother now has to be hospitalized because of the care requirements of an older husband and a younger son or daughter with developmental disabilities. Are we listening to these families? Are we providing the funding? Do we have an awareness? No.

We've seen user fees being dreamed up now for families and a grab of the baby bonus money.

Ms Murdock: No.

Mr Jackson: Oh yes, you know there's a grab of the family allowance moneys for those persons under the age of 21 with the community living associations.

What I'm trying to say, because I really wanted to give the floor back to my colleague with her excellent resolution, is that government is moving off its commitment to these families and to these citizens who are differently abled. We'd better get back on track if we want to say we're a caring society and that we understand their rights to normalization, their rights to empowerment, and listen to families who are failing under the burden of these additional responsibilities.

We have to stop making promises to these families and to these individuals and start funding appropriately so they can live with dignity in our communities as we promised them. That is the philosophy of community living. That is the commitment of the Progressive Conservative Party. It is the commitment of the member for Mississauga South, and I urge all members to support her resolution today.

Mr Gary Malkowski (York East): It's my pleasure to participate in this debate today. I stand in support of the resolution in principle.

I've met representatives from the Metropolitan Agencies Representatives' Council, from ARC, from PUSH, from People First, consumers who have shared their experience in the years that they have suffered from previous governments' terrible management of the huge institutions they built. Their purpose was to not allow disabled people to participate in society, and their history has been a disgusting one.

A lot of what I'm hearing today is a bunch of baloney and I find it rather disgusting. I'm very proud to say that our government has worked very hard with legislation such as the Employment Equity Act, the Advocacy Act. I've sat in committees where I've heard Liberal members and Conservative members working their darnedest to stop legislation like that from going through. Why are you now standing and saying you want to make sure disabled people participate in society when you have in fact stalled on this sort of stuff?

The federal government has cut transfer payments, and I see nothing except a lot of talk. I'd like to see some action. We're the only province that has actually proved itself by a commitment, by programs that are actually in place. I ask the Conservative and Liberal members to work with us, then, to help us stop the federal government cutting the transfer payments that in fact do not allow us to continue with many of the programs we need so that—

The Acting Speaker (Ms Margaret H. Harrington): The member's time has expired.

Mr Malkowski: But we have maintained social programs and maintained education and training opportunities for disabled people.

1100

Mrs Marland: I want to remind the members in this

House that this is private members' business and each and every member has an obligation to vote to represent the people in their ridings and their constituencies. I hope for once we don't have a whipped vote on the government side.

I challenge this government, which has made the cuts to these much-needed programs, to look into the faces of these people here today. I challenge you to recall the 5,000 people who were on the front lawns of this building one year ago. I hope that this time your actions will be different. I hope that you will promise them this time that you will not disappoint them and you will not turn your backs on them again.

For the Minister of Community and Social Services not even to answer my question in the House and two letters about the predicament of Mrs Lois Mercer and her daughter Shawna is plainly irresponsible and uncaring. Is this the best this government can do, that it won't even answer the questions about people with special needs? I say, as I've said in this House so many times, that disabilities do not disappear overnight on a person's 21st birthday, that government's obligation to these young people and their families also does not disappear either. How can we abandon them? They need us now more than ever.

If it is the right in this province for a francophone family in Ontario to be able to drive the highways of this province and read the highway signs in French, then surely it is the right of persons with developmental disabilities and their families to drive the road of life in Ontario with the support they need.

Mr Winninger: Who wrote this?

Mrs Marland: This government is about to pass equal opportunity for employment legislation that a member has referred to. They are about to pass legislation on equal opportunity for employment.

To answer the question that is being asked in this House at this moment as to who wrote the speech: I wrote my own speech. I don't need anybody to write my speeches.

All I say is, at the same time that you're passing equal opportunity for employment, what about equal opportunity for persons with disabilities to survive on a daily basis? They need to have support for functions that others take for granted. What about equal opportunity to live independently? What about equal opportunity to live with dignity?

Interjections.

Mrs Marland: Let us join our hands for once around this chamber and work together to achieve a solution. I ask you this morning to consider very carefully before you vote, that vote which will be taking place approximately an hour from now, after we deal with the next resolution that is scheduled for this morning. When that vote takes place this morning, I challenge each and every one of you to prioritize once and for all on the basis of human need. You can go and stand on any public platform in this province, for any political party, and defend prioritizing on the basis of human need first. I'm asking you to give the support for people who need it most.

Yes, we're in a depression; yes, we're short of money. And as the member for Sudbury said, there are all kinds of drains on government funds. I said that in my speech at the beginning this morning. We understand that. But in this time of recession, who do you think it hurts the most? The most vulnerable people in our society.

We have a moral obligation and a responsibility that I hope not one of us will turn our back on, and that is to vote in favour of this resolution once and for all. I ask you, when you do that this morning, for once not to listen to your whip but to listen to your heart and to your mind and, by voting to support this resolution, give hope to these people for a better future.

The Acting Speaker: The member's time has expired.

I want to welcome the people in the gallery who are interested in this resolution. The vote on this resolution will take place at 12 noon.

Mr Jackson: On a point of order, Madam Speaker: In accordance with our standing orders, I would ask that the member for Cochrane North withdraw his statement during the interjections that my colleague's comments were racist.

The Acting Speaker: I'm sorry; I didn't hear that.

Mr Jackson: I would like to give the member the opportunity to rise in the House and withdraw his interjection.

The Acting Speaker: Would the member care to comment?

Mr Wood: Yes. I was upset that other groups were being attacked to gain support for this particular group of people. I agree that this group of people needs extra money. I was upset over that.

The Acting Speaker: Would you care to withdraw?

Mr Wood: The other remarks—I will withdraw if it upset Mr Jackson, yes.

Mrs Marland: On a point of personal privilege, Madam Speaker: I did not say that money should be taken from that program. I simply said that if that is the case, then this also should be the case.

The Acting Speaker: That is not a point of personal privilege. Orders of the day.

FEDERAL ELECTION PROMISES

Mr Paul Johnson moved private member's notice of motion number 32:

That, in the opinion of this House, the present federal government should keep its financial commitments to the people of Ontario with respect to its promises made during the recent federal election campaign.

The Acting Speaker (Ms Margaret H. Harrington): The member now has 10 minutes to address his resolution, and then each party will have 15 minutes.

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): My resolution today is comparatively simple. It quite simply asks that the newly elected federal Liberal government keep its financial commitments—and I was very specific—to the people of Ontario with respect to its promises made during the recent federal election campaign.

During election campaigns, many promises are made. Every time we go through the process of an election, whether it be federal or provincial, we know that promises are made. I know that members of the third party and members of the official opposition will suggest possibly in their comments that indeed the government of the day in Ontario didn't live up to all the promises it made during its election campaign. I would differ with that, if they should make those comments. I think we've done many of the things that we said we would do.

You might ask why I pose this resolution or ask this question or make this comment. Basically, I think the people of Ontario have been incredibly discriminated against by the recent Conservative government in Ottawa, and as a result of their policies, the people of Ontario are suffering now more than they otherwise would have had they been treated fairly and equally by the federal government that was previously in power and, to a great extent, removed from power.

1110

I want to note also that 98 of 99 federal seats in the province of Ontario are now represented by Liberals. We could debate whether that's good or bad, but what I want to say is that when the federal government now examines what's happening in the province of Ontario with regard to its economy, with regard to its fiscal situation, given the fact that it has such a great representation here in the province, it should certainly do things much differently than the previous Tory administration did. I think the people in Ontario recognize that they were discriminated against by the Tories in Ottawa, and that's why they to such a large degree sent the message to them in the province of Ontario.

What has that done? It's made it very difficult for this government, for this administration, to deal with some of the very serious financial and economic problems that it has to deal with. We know that this recession or depression in the province of Ontario, indeed in the country of Canada, has been very severe.

I know, as many of my colleagues do, that what the Tories did in Ottawa with regard to their policies, such as the goods and services tax, which, I might add, has encouraged an underground economy the likes of which we've never seen before; free trade, which decimated manufacturing jobs in the province of Ontario; the dollar, which they allowed artificially to become more valuable than it should have been—of course, there are two sides to that argument. I know that some people would like to see the dollar more valuable and some would like to see it less. In trade, we'd like to see the dollar somewhat less in value than it has been because that offers us some advantages here in Ontario and indeed in Canada.

Of course, the federal government has absolute control over the interest rates in this country, and that affects the province of Ontario. Those are things the province has no control over. It does not have control over the dollar. It does not have control over interest rates. It certainly wasn't the government that introduced the GST and it certainly wasn't the government that supported or endorsed free trade. However, all those things have impacted dramatically on Ontario.

What has that meant for us in the province of Ontario? What has that meant to our economy? It certainly has very obviously been very detrimental. People are concerned about taxes in Ontario, and I hear that daily; I hear that regularly, as I'm sure all members of this Legislature do. The reason we've had to deal with taxes in ways that we would prefer not to has a lot to do with the policies of the past federal government. Today we have to deal with all the problems that are associated with their policies and we have to do things that we think are necessary in order to maintain our services here in Ontario, so we've done some things that I guess largely have been unpopular.

Any time you increase taxes, certainly that's unpopular. When you ask the broader public sector to make a contribution to help reduce the deficit in a particular year, we know that's something that's not particularly popular. These things that we do are a result directly of the policies of the previous federal government.

What my resolution says is that the federal government of the day should keep its financial commitments. That's what we want them to do, because the previous government, because of its policies, has caused us, as I said, to do things that are not particularly popular. Now, on the notion that the new federal government should keep its financial commitments, I just want them to know that the provincial government has been the most efficient provincial government we've had in this province for 40 years. We've done things and we've reduced our expenditures in ways that no other government ever has—out of necessity, I might admit. However, there were things that had to be done.

People are fed up with taxes. People are absolutely fed up with taxes. They don't want to see any more tax increases, but they don't want to see their services cut. The dilemma is, of course, that the revenues that both the federal government and the province are receiving right now have gone down dramatically.

Unfortunately, the federal government—I say unfortunately because it takes some of the control out of the hands of the province—receives all the taxes that it collects through personal income tax on behalf of the province, and it keeps them for an extended period of time. It's some time later, after the fact, that they send the money back to the province. It's very difficult for the province to plan, not knowing exactly what the amount of revenues it's going to receive is going to be. That certainly has caused a lot of problems for the province.

The federal government of the day, the Liberal government that was just recently elected, has said that it is going to create jobs. They were elected on the notion that they are going to create a lot of jobs in Canada, especially a lot of jobs in the province of Ontario. As I said, because of policies of the previous administration, we've lost a lot of jobs in this province and we want to get those jobs back.

I like to think that we could work cooperatively in a meaningful way with the federal government in order to create more jobs, but I also want to make it perfectly clear to all those people who are watching today, to members of the opposition, that right now in the province

of Ontario, this government has spent 10 times what the federal Liberal government has promised to spend in the province of Ontario in order to create jobs.

We have had a great deal of success with that, maybe not the success we would like to have had, very frankly, because of the fact that the economy is as bad as it is; however, we continue to work to create jobs in the province. I want to say that for some reason that effort seems to have been unrecognized, certainly by the members of the opposition, and probably not communicated well to the people of the province of Ontario.

We are spending 10 times the amount of money that the federal Liberal government has committed through its promises. We're very anxious to see the \$400 million they have promised to spend in the province of Ontario with regard to job creation. If they do that, and if we work cooperatively, and certainly if we don't increase taxes—our revenues are down dramatically and we want to maintain the services, absolutely, yet we know that as we examine these things, as we spend our money as efficiently as we possibly can, there's a great concern that some of the services that people have come to expect in the province are being eroded.

I want to ensure that all those financial commitments the federal Liberal government made before it was elected, as campaign promises, are adhered to, that they're complied with, that they're met. If they are, and if they work cooperatively with the province of Ontario, which as I said, has spent 10 times the amount of dollars, made probably 10 times the effort to create and maintain jobs in the province of Ontario, then surely more jobs will be created and the economy in the province of Ontario will improve.

Mr Gerry Phillips (Scarborough-Agincourt): I'm really pleased to join the debate. I was delighted when I heard that one of the backbench New Democrats had proposed a motion to hold the government to its promises. I said, "Finally somebody in the back bench is getting at that cabinet to make them do what they promised to do." So I was thrilled with it. Then I get here and I find that it has nothing to do with holding Bob Rae to his promises, it's the federal government, and that's fine. We can pass this motion. Next week it'll be something else. But I think the back bench should spend its time holding the cabinet to its promises. There's where you can be useful. I ran to get elected here in the provincial House. I ran to do something in the province. I love to blame other people. You can blame the federal government, blame the US, blame anybody, but we're here. We're here to deal with it.

I'd hoped, on the motion, that finally someone in the back bench would stand up and say, "Isn't it time we did what we said we would do?" The member across said "on the capital program." The people of the province should know that Bob Rae and the government promised this year to spend \$3.9 billion on capital. What was the first thing that was cut? It was \$300 million out of capital. That was promised. The \$3.9 billion was promised to be spent on capital. The first thing they cut was \$300 million. Surprise, surprise. That's the amount of money that will be put back in when the province agrees to

participate in the federal program. We're playing with numbers here. I thought you would live up to your promise to spend the \$3.9 billion. You're actually promising to spend \$300 million less this year than you spent two years ago. So I would say, first thing, live up to that promise on your capital expenditures.

1120

I think the members will agree that in the Legislature I've always been focused on jobs. I remember when Bob Rae came back to the House in September 1991, more than two years ago, and said: "Jobs, jobs, jobs. That's our focus. That's where we will be putting our effort." That was the promise he made.

Mr George Mammoliti (Yorkview): And he had.

Mr Phillips: Well, a member hollered out, "And he had." I appreciate that. I hope everybody in the province gets a copy of the three-year report card on Bob Rae. I hope everybody gets it, because you should be—ashamed may be too strong a word—embarrassed by your economic performance. Yes, you've focused on jobs. There is a record number of people unemployed in the province of Ontario in 1993. We have lots of talk from the cabinet about focusing on jobs, but you get the document out, and you will find there have never, ever, ever been more people unemployed in the province of Ontario than in 1993, the year we're in right now. I know that Premier Rae loves to talk about things he's going to do, but nothing happens.

Mr Mammoliti: That's just not true.

Mr Phillips: The member says, "It's just not true." Look at the numbers. Look at the numbers, to the back bench. This is why you should be spending your time getting at those people, the cabinet.

It's fun to go after the federal government. I think that's great sport. I don't mind it at all. I'm not going to have any responsibility for what they do. If you want to run federally, resign, go and run federally. Let's focus on what Bob Rae can do and look at the report card for "Jobs, jobs, jobs." There have never been more people unemployed in the province.

You want a promise? The promise was that we would reduce the number of people unemployed. It is not happening.

Interjections.

The Acting Speaker: Order, please.

Mr Phillips: Social assistance: We were promised social assistance reform. The member across the way—and the people probably can't hear it—is barracking when he should be spending his time doing what I'm suggesting, and that is getting at the cabinet to do what they promised to do.

This resolution shouldn't read, "Get after the federal government," although you can do that if you want. It should be, "We, the NDP back bench, want our cabinet doing what they promised they'd do."

I would also say in this report card that I hope everyone in the province gets—it's called the Ontario Economic Outlook, but it's the three-year report card—you will find the social assistance case load never, ever, ever

higher. We were promised social assistance reform.

I am one who believes that the people around social assistance desperately do want to work. I believe that. But your plans aren't working. We now have 657,000 people on social assistance: never a higher number. You add social assistance and unemployment recipients together and it is almost a million people in this province. At the height of the recession in 1982-83, it was half that, roughly 500,000. So if you want to be useful on these days, you should be preparing motions that say to your cabinet, "Do what you promised you'd do."

I must say I can't forget that at election time, I remember well things like—do you remember this one? Yes, I've got it here, page 10 of the speech from the throne. It takes me a while, but here it is, "We will provide for a common pause day." Do you remember that one? Do you remember public auto? Do you remember, "We, the NDP, are the party that doesn't believe in casinos, that believes casinos are a tax on the poor"?

Interjection.

Mr Phillips: Well, one of the members across the hall is barracking again. But these are all promises that you made—

Interjections.

The Acting Speaker: Interjections are out of order.

Mr Phillips: —common pause day, the whole area of public auto, not believing in casinos. You've lived up to none of those promises. So, again, I had hoped that the motion from the member might have said, "We will live up to the promises we made."

I'd also say that there's something interesting on the pensions one. This is not a huge deal, but it's important. It says here on pensions, "Pension surpluses would belong to the members of the plan." Do you know what we've got before the House right now? We have a bill that will permit the government, the employer, to bypass something called the Pension Benefits Act, to not notify the teachers that you are planning to withdraw \$300 million from the teachers' pension.

Mr Chris Stockwell (Etobicoke West): Did you know that?

Mr Phillips: The member nods his head over there, but if any private sector company ever tried to get an exemption from notifying the pension beneficiaries that they were withdrawing money from the pension fund, the NDP of old—

Mr James J. Bradley (St Catharines): The Conrad Black provision.

Mr Phillips: The Conrad Black provision, as my colleague says. That's exactly what it is: withdrawing money from a pension, and not only that, not even telling them, as the Pension Benefits Act provides, that you're going to do it. You do that by ramming a bill through the House that will allow you to exempt yourself from that provision.

I just say to the member that I realize we will see a series of these motions. I have no trouble supporting it, but frankly it's a waste of the House's time. It would be far better spent if the backbench members of the NDP

could kind of get some courage, some backbone, and get after the cabinet to do what it promised to do, because you've got some control over that and this Legislature has control over that. That's where I'd like to spend my time, rather than these interesting but frankly non-productive motions.

Mr Allan K. McLean (Simcoe East): I'm disappointed once again that we're wasting valuable time debating a resolution related to matters concerning the federal government of Canada. We're wasting the time with a resolution like this. The member for Prince Edward-Lennox-South Hastings is attempting to divert our attention from the very real problems facing the people of Ontario that were created by his own NDP government colleagues.

I also think that the member is doing a disservice to the people of his riding by talking about a matter that is completely out of his jurisdiction and really has nothing to do with this Legislature. The member is doing a disservice to those who elected him to bring their views and concerns to the attention of his government colleagues.

He should be exposing flaws in the policies, actions and initiatives of his government. He should be mobilizing public opinion against policies, actions and initiatives that his constituents feel are unacceptable. The member should be formulating and bringing forward alternative legislation and policies and aiding and strengthening policies and legislation by submitting amendments to bills and statutes.

When confronted with resolutions like the one we're dealing with now, and several others that have come from other NDP members, the people of Ontario have grown impatient with the activities they are seeing on private members' business every Thursday morning. They say, "What's the point of this nonsense?" They've grown so used to the silent demise of reality and the important private members' bills or resolutions that they just assume it's going to happen.

All of us know that private members' bills, important ones like my boaters' safety and education bill or my heritage day holiday bill, which do not have the active support of ministers will not proceed, even though they are overwhelmingly supported by all members. The people of Ontario have a right to object to this arrangement. There is something fundamentally wrong if legislative matters cannot stand before the representatives of the people to be enacted. The people of Ontario have a right to be outraged by this resolution we're wasting time on this morning. There are more important matters that people want us to deal with.

I've been talking about matters of public safety, like poor visibility on these concrete barriers on highways 400 and 401 that Mr G.A. Zylch of Penetanguishene notes are difficult to see at night or when there's fog or it's raining.

I'm referring to matters of importance to the many potential home buyers and realtors in Simcoe East who have contacted me about the Finance minister's December 31 deadline for pulling the plug on the extremely successful Ontario home ownership savings plan.

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More than 248,000 of these plans have been opened since the program was established in 1988, and of that number, 204,000 have been closed to purchase a new home. Approximately 48% of all home sales in the first nine months of 1993 were first-time home buyers. Rather than wasting time with this resolution, we should be debating the merits of renewing OHOSP, which costs \$50 million annually, compared to the \$2.6 billion the current government spends on non-profit housing subsidies each year.

In the same vein, perhaps we should be using this time to discuss the merits of replacing non-profit housing subsidies with shelter allowances. Independent studies indicate the average monthly subsidy would be \$114 per household for a shelter allowance, compared to the current average of \$942 a month to subsidize a household in non-profit housing. I would suggest that a shelter allowance program would help all those in needy target groups who wish to apply, especially Ontario's working poor.

Right now, unless a needy tenant receives welfare or family benefits, there is no help until a unit becomes available in a social housing project. Shelter allowances would allow tenants to remain in their current homes if they choose, close to families, child care, schools and workplaces. Not only that, but shelter allowances avoid the development of low-income ghettos which can occur in social housing projects that do not have a mix of incomes.

For those compelling reasons, we should be considering replacing the existing wasteful government housing regime with the more affordable and effective alternative of shelter allowances instead of debating this ridiculous resolution.

With resolutions like this one we are considering here today, a resolution that is pure nonsense and has nothing to do with the real issues facing the people of Ontario, I have to ask, do you honestly wonder why there is so much animosity out there against the provincial government?

We should be talking about Bill 47, which brought closure in. There have been five closure motions in the last two weeks brought into this Legislature.

I have a letter here from a Wayne MacIntosh in Orillia, outraged at the proposals of Bill 47: "We should not let this get on the books without a fight." He indicates it's nothing but a tax grab. He's unhappy with regard to the six weeks' processing time, and he indicates that it's unconstitutional. This was one that was brought in as a closure motion.

The social services report and the debate we had earlier today with regard to our developmentally handicapped: There is concern with regard to that, and I think that was a great resolution, one which brought out the many aspects of the problems with that.

When we look at other community social services, the minister, that same minister we were talking about this morning—I have a letter from a Jim Russell at RR4, Coldwater, who is very unhappy with regard to the

minister, Mr Silipo. He says, "It gives me very little satisfaction or advice on how to solve this problem." This individual wrote to the minister with regard to the concerns that he had.

These are the types of things we should be debating here. We should be talking about these issues.

There are many other issues, such as Hydro. I haven't heard much discussion since the minister announced the layoffs in Hydro and the downgrading of the Bruce plant.

The parole system, which my colleague Mr Runciman has been talking about: Why is this government not bringing forward a resolution with regard to improving the parole system?

We spoke last week with regard to the cancer problems that we have.

The Agenda for People: It is also interesting that we still have that around. The member is talking about keeping the federal government to its commitment financially. What commitment has this government kept with regard to the Agenda for People that was put out in August 1990?

Minimum corporate tax: What's been done about that?

Fair taxes for the working people: Do you know what they've done with regard to fair taxes for people? They've done nothing but add tax to the individual. It would be interesting for some members to note that in this province of Ontario, an individual making \$17,000 a year pays over \$1,000 in income tax. Why aren't we talking about these issues with regard to the government?

I look at some of the questionnaires that I've sent out which say, "Do you support the provincial government's proposal to charge motorists tolls on new or improved highways and bridges to pay the cost?" Do you know what the questionnaire came back as? Well, 36% said yes; 57% said no. The undecided was 7%. These are the things we should be discussing in this Legislature and should be talking about.

I wanted to put some of these on the record because last Thursday we dealt with a resolution to urge the federal government to abolish the Senate. Today we're dealing with a resolution urging the federal government to keep its commitments. The resolution we should be dealing with here is urging this government to keep its commitments.

Mr Gordon Mills (Durham East): I'm delighted to stand in my place this morning and speak to the resolution of my friend and colleague the member for Prince Edward-Lennox-South Hastings. What a timely resolution this is.

Last week—no, this week—I awoke and I saw Mr Martin announcing on the television a deficit of some \$46 billion. Wow: \$46 billion.

Ms Sharon Murdock (Sudbury): Ten billion more.

Mr Mills: Now, it's my understanding that \$13 billion of that debt—

Interjection.

Mr Mills: Look, just a minute. Some \$13 billion of that debt was accumulated in the last year of the federal Conservative government, who have now gone on to their

Waterloo. They met their Waterloo, and rightfully so. The people of Canada spoke.

I never want to stand in my place again and ever, ever hear members of the Conservative Party talk about this government and its financial responsibilities and how it has managed the deficit. I never want to hear any of them say anything again. I never want to hear any neo-right wing, would-be Conservative mention anything about this government's handling. What has happened is that we have been decimated by the policies of the Conservatives in Ottawa. They've absolutely destroyed this province in ways it would take me an hour to think about.

I want to talk about the health care system. We are battling now in Ontario, trying to maintain our health care, and we are having an awful job with it. The reason we're having an awful job with it is because those scoundrels in Ottawa that the people have gotten rid of absolutely cut off all the payments and forced this province into the situation that we're in.

I want to read from the Liberal red book. I'm going to hold them to this, and I wait for the Liberals here to come up with their "son of red book" for their 1995 campaign. The federal Liberals say: "The Liberal Party remains firmly committed to the five fundamental principles. Health care must be universal." I say, "Hear, hear." "Health care must be portable." Hear, hear. It must be, they say, comprehensive, publicly funded and publicly administered. I, for one, will be holding those people to that, because two-tiered health care in the province of Ontario is absolutely akin to making me say things I wouldn't do. I can't stand this. This is what the red book says: "Liberals cannot and will not accept a health care system that offers a higher quality of care for the rich than for the poor." I say, "Hear, hear" to that. I'm going to hold the Liberals to that, this red book, and I hope that the transfer payments to this province will allow us in this province to maintain that sort of health care that these people preach and that they want to see.

It says in the red book—and the son of red book is going to come, no doubt—"A Liberal government will not withdraw from or abandon the health care field." I want to make sure they blinking well don't, because the Conservatives in Ottawa have made it so difficult for this province to manage not only health care, welfare and all the other things, with their decimation, their cutbacks—I'm beside myself to even think that someone would stand in his place and criticize this government for our mismanagement of the fiscal responsibilities of this province when we were forced into that by those scoundrels in Ottawa who are long gone, who have met their Waterloo.

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Mr Bradley: I would, as I did last week, again mention to the government members that I think it does no service to this Legislative Assembly to debate matters outside of its jurisdiction and matters which have little impact on the Legislature. We are elected to this Legislature to deal with provincial issues, and I can't recall, as a member over the years, dealing in any significant way with federal issues.

I think it's very important for the sake of those who

watch the political system to know that there are three levels of government and that municipal people should deal with municipal things, provincial members with provincial jurisdiction and federal with federal jurisdiction.

I can recall sitting on St Catharines city council when one night—I think we were banning guns across the country—one member of the council asked another, "What is Lincoln doing about this?" They said, "Lincoln is banning seal hunting tonight." None of those, of course, were within the jurisdiction of that municipal council.

The same can be said here. I think it's important that we, as legislators, deal with provincial issues, that we don't confuse the people out there to believe that somehow we have some jurisdiction over matters of a federal nature. There are a lot of topics, I think, that members could put before the House which would be useful to study and to debate, and this is not one of them. I think it would be much more important to look at the Agenda for People, the textbook for the NDP, and what it was going to do in terms of promises if indeed that's what you're going to deal with.

I look at "Tax Fairness For The Working Poor." People across this province are paying far more in taxes than they have paid before, far more in charges that are out there to various people in various levels of income. They must still pay them whether it's for licensing, whether it's for services they get from the government, so that has not been kept.

I always enjoy this one because I was in education. Under "Restoring Education Funding/Property Tax Relief" it says: "New Democrats propose raising the provincial share of education costs to 60% over five years, providing a solid base for a better education system and lifting some of the load of property taxes."

That's extremely important, and I know that the members of the top echelon of the teachers' federations probably said to people within their federations, "The New Democrats will be a good choice because they are going to, over a period of five years, fund education at the provincial level to some 60%." Of course, what's happening is that funding is dropping. I am afraid this is what you invite when you bring forward a resolution of this kind.

I go through and see "Relief for Farmers." Farmers are in dire straits across this province. They're not getting the kind of relief they should be getting from the provincial government.

"Driver-Owned Insurance": I merely invoke the name of the beloved Mel Swart, former member for Welland-Thorold, who chastised the government for not implementing government auto insurance. I'm not critical of the government for that because I don't think it probably would have worked well, but there's a promise that is unkept.

Job protection: More people have lost their jobs in this province in the period of time since this government has been in power than certainly I can recall in previous years.

In terms of pensions, "Pension 'surpluses' would belong to the members of the plan, not to employers," and we have a bill that's coming before the House which will in fact allow what you'd never want to allow Conrad Black to do with teachers' pensions.

We get into protection for seniors. Seniors have felt the wrath of this recession probably as much as anybody else, and their costs are greater.

In the environment, this is of course totally amusing because I see we have "Safe, Clean Water." The municipal-industrial strategy for abatement is way, way behind in its implementation. I just read one of the regulations that came out last week, and I'll tell you that if a Liberal government had put that regulation out, all hell would break loose in the environmental community. I read it very carefully. I know weasel words when I see them, and I read those very carefully. I know weasel words when I see them, and those were weasel words in that.

It says here that there's going to be clean air. Nothing has been done on the clean air program; you're into your fourth year.

"Preserving Agricultural Land": We remember how well agricultural land was preserved around London, very good agricultural land. When London wanted to annex it, of course the government acquiesced and promoted that.

"Improving Public Transit": The last I saw was that GO Transit, which is public transit, was in fact being cut back in terms of the service provided.

I could go through all of these things.

Ms Murdock: Go through all of them. I dare you to go through all of them, each and every one.

Mr Bradley: The member for Sudbury should get a chance to speak.

Look at tuition. You ran on tuition; you were going to abolish tuition. You have increased tuition every year to those students, and there are people right across Ontario who believed you when you said you were going to abolish tuition fees. Instead, students today pay far more than they ever had to pay before.

Look, you solve your own problems before you worry about municipalities or the federal government. That's your responsibility, that's why we're elected to this House, not to play these stupid games with resolutions that have nothing to do with the Legislative Assembly.

There are a lot of things you could list that this government hasn't done. That's what you should be working on, that's what we should be working on, not something that has something to do with something else.

I know the strategy. The Premier's brought in Murray Weppler now and he will advise you to blame the Americans, blame the federal government, blame the unions, blame the municipalities, blame everybody else but this government. If you want to find the problem in this province, look in the mirror, you members of the government side, and you'll find the problem.

Mr Mammoliti: Blame yourselves for putting the province into this mess. That's who you should blame.

The Deputy Speaker (Mr Gilles E. Morin): The member for Yorkview, order, please.

Hon Shirley Coppen (Minister without Portfolio in Culture, Tourism and Recreation): I am pleased to be able to stand here today in support of the resolution from the member for Prince Edward-Lennox-South Hastings.

The member for St Catharines spoke with passion during the last couple of minutes that this House should not tie itself to resolutions with the federal government, but I disagree. I think the people of Ontario need an explanation. They need to know the reasons why this province has been forsaken for nine years.

I'm standing here saying that we want to work in partnership with the new federal government. There's not been one negative word from our members saying anything about the new government in Ottawa. We are hoping to work with them, but the explanation is to tell people why we have been devastated, why our needs have not been addressed.

I come from the riding of Niagara South, where there are some wonderful people like Vicky Laws from the community living association. There have been people in our galleries today, beautiful people from all over the province, and we have not been able to give them the moneys they deserve. There are people like Janice Gordon who live in Fort Erie who feed the poor. In the province of Ontario, people need to be fed. How sad that is. But it's because we've been hurt so badly in this province.

We talk about the new federal government's pledge, and I have a belief it will fulfil its pledge of creating jobs and the economy. I want to talk about an industry in Niagara, the shipping industry. So many people talk about the automotive industry, they talk about agriculture, but there is a shipping industry that has also been forgotten by the federal government. They have allowed ships to fly foreign flags and not employ people from Ontario and the Maritimes.

The former government had a Minister of Fisheries that was so interested always in demeaning women, and now we have a new deputy Prime Minister from this province, a woman from Hamilton, who I know is going to stand up for the issues of women in this country. I have faith in her.

But going back to the tale I'm telling you about St Catharines and the Niagara area with shipping, the rates are too high. This is a federal issue. They have to control shipping and get it going again, shipbuilding. This government built a ferry, the Pelee Island ferry in St Catharines. Yes, it created some jobs, but it's not enough.

We as a Parliament have to work with the federal government and bring jobs, make sure it keeps its commitment, make it aware of how much we've been hurt in the Niagara area. There shouldn't be a need for food banks, but the federal government created—transfer payments: When I talked about the wonderful and beautiful people from all over the province from community living groups, do you realize that this government was not given \$4.5 billion in transfer payments that we deserve? With that \$4.5 billion we would be able to keep all our commitments to this community who needs the money so desperately.

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Members hold up a paper called the Agenda for People. They read the headlines on it. We have worked so hard to make that agenda happen, and also opposition members hold up papers that call us traitors because we broke contracts. We broke contracts in this province to save 50,000 to 60,000 jobs. The new Prime Minister kept one of his promises: He broke the helicopter contract. I agree, it was much too rich, but he put 1,000 people out of work the next day, including the good people of Fort Erie, where I have Fleet Aerospace. I only ask that the federal government keep its promises on job creation; remember the people that it just put out of work.

The member for Kenora is holding up "The Traitors." The traitors were the federal government—

The Deputy Speaker: Order. The member for Kenora.

Hon Mrs Coppen: —the federal Tory government. The heroes will be the New Democrat government of Ontario.

Mr Frank Miclash (Kenora): Employees' unions put this out.

The Deputy Speaker: Order. The member for Kenora, please respect the Chair.

Mr Stockwell: You didn't put that out. Their union people put it out.

Mr Miclash: Unions. We didn't do that.

The Deputy Speaker: The member for Etobicoke West. The member for Kenora. The member for Niagara South has the floor.

Mr Miclash: You think we have nothing to be upset about. Give me a break. Equalize gas prices across Ontario.

Ms Murdock: Oh, geez.

Mr Miclash: The member for Sudbury remembers that well.

The Deputy Speaker: The member for Kenora, I would ask you to refrain from interjecting.

Hon Mrs Coppen: A comment was also made a few moments ago about our commitment to eliminating tuition. I just had a constituent come into my office and yes, they are upset about tuition. Their daughter wanted to enrol in university: \$6,000 for a working couple. They went across the river to Buffalo, New York, thinking opportunities were better there for their child's education. They were given a bill of \$18,000.

Yes, I wish we could eliminate those tuitions. It would help an awful lot of working people let their children get educated.

Mr Miclash: Agenda for People, Shirley, what did it say? It said—

Hon Mrs Coppen: The Agenda for People. Keep reading the book over and over, because we have kept our commitment to people—

Mr Miclash: Tuition fees. You didn't eliminate the tuition fees.

The Deputy Speaker: The member for Kenora, I'm warning you.

Hon Mrs Coppen: I'll conclude, Mr Speaker. I started and I continue to want to work in partnership. I have not said any negative words about the new federal government. We are hoping to work with them. My purpose in standing in support of this resolution is to let people know how this province has been forgotten by the former federal government and how we are looking to work with the new government.

Their book is called Creating Opportunities, an opportunity for partnership with all of the provinces in Canada. If together with the new government we support this resolution, it can happen for Ontario.

The Deputy Speaker: Any further debate? The member for Etobicoke West.

Mr Stockwell: This has to be one of the dumbest things of everything that's come forward from the government side, to start asking other levels of government to keep promises that were made in a campaign. I don't know what happened over there when this took place, but can you imagine these people writing this motion in a back room somewhere, the government side?

"We've got nothing for private members' hour on Thursday. What do you think we should do?" And one of them said, "Why don't we write a motion that says the Liberal government that's just been elected should keep its promises?" And then some other person who's in the meeting, probably not there purposely but who showed up, said, "Well, you people, if we write that motion, the opposition might have a copy of the Agenda for People," and they all turned on that person and said: "We told you never to use those words in this House again. Don't ever talk about the Agenda for People. We don't want to hear about that. We want to talk about the federal Liberal promises and how they should be kept."

But the poor innocent soul, who probably wasn't a dipper before the election and just kind of fell into the job, said, "My gosh, we made a lot of promises too that we haven't kept." And then they said to this person, like the member from London just a minute ago said, "Oh, we've kept our promises." And then that poor little soul who fell into the meeting said, "Well, I just happen to have a copy of the Agenda for People here, and there's a lot of things in this Agenda for People that we promised the good people of Ontario we would do that we haven't done."

And everybody turns on this poor soul who snuck into that meeting and gave some salient points of view on why it's maybe not a good idea to throw rocks at glass houses, who said: "But minimum corporate tax; we didn't do that. And tax fairness for the working poor; my gosh, we've raised taxes on the working poor. Succession duties on estates of the rich and super-rich"—remember the super-rich and the salad days of the 1980s, the super-rich? Well, there's no more super-rich. They got rid of the super-rich.

Speculation tax: at that meeting, the poor soul stood there and said, "Remember when we thought a spec tax was a good idea?" Gosh, that's gone by the board. But they've kept their promises. Don't let them tell you they haven't. They have.

Restoring education property tax relief to 60%: We still don't any money from the provincial government for education and you promised we'd get 60%, but you've kept your promises, we know that. This is just our imagination. This was a joke; they were kidding. People weren't taking this seriously. Yes, sure, people voted for them on this, but, "Nobody really believed we'd do it, did they?" No.

That poor soul in that meeting is really getting pummelled now by all the NDP, because we go to driver-owned insurance. "We promised the government would run auto insurance." Well, at that point they just slugged that person. "Will you be quiet? That's just a joke. We were kidding. People don't take those things seriously. We're socialists."

We move on to job protection. Job protection? The only thing you're protecting is their unemployment cheques. That's job protection to this government. Then there's training and adjustment.

Now we go to child care: 10,000 spaces over two years. They've abolished private sector child care. They abolished it. That poor soul in the meeting is really getting pummelled at this point, but that's not all. Remember eradicating food banks? Gee, I don't see any more food banks, and if I do, I'm only imagining them. They don't exist, because the socialists kept their promises, and now we've got to make sure the Liberals do federally.

We move on to protection for seniors, and then the environment. We know you've kept your promises on the environment, we know you did that. Some people are saying you didn't, but I'm saying, "You're wrong, because the socialists tell me they did keep their promises." Fifty per cent recycling on pop cans: We know it's 50% or 2%, one or the other, but you kept your promise. Safe, clean water: You kept your promise. Less garbage: You kept their promise. Saving agricultural farm land: I know you're saving agricultural farm land, keeping your promise on grade 1 farm land, because on that farm land you're growing garbage. You've kept your promise. Don't let anyone say you haven't.

And now, since you're so good at keeping your promises, since you're so forthright and honest and upfront with the taxpayers of the province of Ontario, you now have a higher calling, folks. You must keep those dastardly, dishonest Liberals in the federal government, who make promises and don't keep them and give all us politicians a bad name—you've got to get them in line and make sure they keep their promises, just like you keep your promises.

Oh, to be so perfect, to be so pure, to be so full of horsefeathers.

1200

Ms Jenny Carter (Peterborough): It's been said that the Liberal Party of Canada campaigns from the left and governs from the right. That's why we in Ontario, while looking with some approval at promises made by the Chrétien Liberals, do not entirely have faith that we'll see these promises realized.

What is really rather remarkable and hasn't, I believe,

been pointed out, is the similarity in many respects between what the Liberals have promised and what the NDP government of Ontario has already delivered.

This is particularly remarkable in view of the fact that voters and media have both approved the Liberal proposals, as shown in the election results, while at the same time excoriating the government of Ontario for effectively practising what the Liberals are preaching. The media and the tendency to scapegoat in bad times are very powerful indeed.

My colleague from Prince Edward-Lennox-South Hastings has already dealt with the jobs issue, which is at the forefront of both governments, and has pointed out that in Ontario we are already spending 10 times the amount that Ontario would receive if the Liberal government delivers on those promises.

Certainly in my riding I have seen the money coming in for infrastructure projects, which of course create jobs; for example, \$2 million for fire safety improvements to the local seniors' home, and that is one of very many.

Drastic streamlining of expenditures promised, and rightly so, by the Liberal government have a familiar ring too, but Ontario has already incurred the hassles and opprobrium that come from actually doing it, to the tune of \$8 billion this year.

The Liberals have promised to reduce the \$4.1-billion consulting and professional budget of the federal government by 15%, and to reduce the size and budget of cabinet ministers' offices and the Prime Minister's office. I hope they succeed, but they will have to do a lot more than that to equal our record.

Our cuts have been achieved with minimum job loss, unlike those now hitting in other provinces. Forty thousand jobs could have been lost in the public sector; thanks to the much-maligned social contract, it didn't happen.

The Liberals offer greater cooperation with other levels of government to reduce overlap and resulting waste. Ontario is far advanced in working more closely with lower levels of government to achieve just that. Disentanglement is well under way. We would value the closer cooperation with the senior levels which they are promising.

The very similarity of their expressed aims and what we are doing suggests that an enormous overlap in function between federal and provincial governments exists. They say they want to renegotiate federal-provincial fiscal arrangements to ensure the maximum degree of financial predictability and stability for each level of government. Let's do it.

I'm running out of time so I'll just have to say, can the Liberals bring themselves to acknowledge what we are doing and to learn from it and work with us? We welcome their help. Let us govern—

The Deputy Speaker: Your time has expired. The member for Prince Edward-Lennox-South Hastings, you have two minutes.

Mr Paul Johnson: I find it incredibly interesting for members of the official opposition and the third party to say that the resolution I brought to the House this

morning was a waste of time. I think that the people of Ontario are very concerned about what happens in the province of Ontario with regard to the economy, their taxes, their services, and certainly how we manage our deficit and debt in the province of Ontario.

I also want to say that some of the members on the other side who said this was a waste of time have brought forward two resolutions which really are out of the purview of this chamber. Indeed, the member for St Catharines talked about the General Motors foundry closure. We don't have any control over corporations to the extent that he would like to think and so he raises that in this chamber and that was most inappropriate, according to what he said.

Let me say this, the member for Carleton brought in a resolution that wanted to abolish the Senate. I agree with him. I think it's the right thing to do, get rid of the Senate. It costs too much. I don't think it serves the people of Canada properly. However, he did bring it in. It is something that certainly is outside of the mandate of this Legislature. However, we do from time to time debate these things and indeed today we had that opportunity.

I want to say that the member for Etobicoke West didn't have the mental wherewithal, I guess, to understand that we had an opportunity to debate the economy of Ontario today, and what did he do? He talked about other things. I think that's most unfortunate, quite frankly.

So the members had a great opportunity here today to talk about the financial commitments of the federal Liberal government, which we all hope it keeps; however, they didn't do that.

ASSISTANCE TO ADULTS WITH DEVELOPMENTAL DISABILITIES

The Deputy Speaker (Mr Gilles E. Morin): The time provided for private members' public business has expired. We will deal first with ballot item number 39 standing in the name of Mrs Marland. If any members are opposed to a vote on this ballot item, will they please rise.

Mrs Marland has moved private members' resolution number 33. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1207 to 1212.

The Deputy Speaker: Mrs Marland has moved private member's resolution number 33. All those in favour of the motion will please rise and remain standing until your names are called.

Ayes

Arnott, Bradley, Callahan, Carr, Carter, Cooper, Coppen, Cousens, Cunningham, Eddy, Eves, Frankford, Grandmaitre, Haeck, Harrington, Harris, Jackson, Johnson (Don Mills), Jordan, Klopp, Kwinter, Mackenzie, Malkowski, Marchese, Marland, Martin, Mathysen,

McLean, Murdock (Sudbury), O'Connor, O'Neill (Ottawa-Rideau), Offer, Owens, Philip (Etobicoke-Rexdale), Phillips (Scarborough-Agincourt), Rizzo, Runciman, Sterling, Stockwell, Tilson, Turnbull, Villeneuve, Waters, Wessinger, Wilson (Simcoe West), Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Witmer, Wood.

The Deputy Speaker: All those opposed to the motion will please rise and remain standing until your names are called.

Nays

Hansen, Hope, Johnson (Prince Edward-Lennox-South Hastings), MacKinnon.

The Deputy Speaker: The ayes are 51; the nays are 4. I declare the motion carried.

FEDERAL ELECTION PROMISES

The Deputy Speaker (Mr Gilles E. Morin): We will now deal with ballot item number 40 standing in the name of Mr Paul Johnson. If any members are opposed to a vote on this ballot item, will they please rise.

Mr Johnson has moved private member's resolution number 32. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

All members relating to private members' public business having been completed, I do now leave the chair and the House will resume at 1:30.

The House recessed from 1215 to 1330.

MEMBERS' STATEMENTS

CROP INSURANCE

Mr Murray J. Elston (Bruce): It came as a bit of a surprise to me when, earlier in the week, I was advised that there is what is called by the ministry the "re-engineering" of the delivery of crop insurance being carried out even as we speak.

In a letter sent to the people who used to sell crop insurance in the various areas around the province, a ministry official has indicated that no longer will there be any employees who will be selling crop insurance. Instead, these people who used to market crop insurance, who used to advertise about its good side, its benefits, and who used to take back from the producers who had concerns to the ministry the changes that might help improve the program—we will no longer have that occurring.

Those people have been terminated. Just like last year when the government unilaterally terminated the contract or refused to renew the contract that ultimately had to be renegotiated, this year the ministry again unilaterally has told these people that they will not have work.

There are a number of problems with crop insurance. A number of producers want to speak to local representatives. No longer will that be possible. No longer will local people talk to local representatives. Now everybody is going to be made a government employee, and those government employees I know will not get out on the

road and will not be in a position to talk directly to crop insurers.

Even though these people will have an opportunity of becoming yield collectors between the months of August and December, the service will not be the same, and crop insurance, I believe, will suffer.

FOOD BANKS

Mr Allan K. McLean (Simcoe East): We are approaching that time of year when we gather with our families to celebrate the traditions of the holiday season. We're reminded of how fortunate we are to have each other, our health and the opportunity to share joy with friends and neighbours. As we look forward to enjoying our own festivities, it is important for those of us who possess such good fortune to reach out to help and share with those less fortunate than ourselves.

At this time of year we should be aware that local food banks need more help than ever this holiday season to keep the less fortunate fed. For example, food banks run by the Orillia Salvation Army and the Sharing Place have difficulty keeping their shelves filled.

Between November 1 and 22, the Orillia Salvation Army's food bank fed about 200 families and so far has received 200 applications for Christmas hampers. The Sharing Place is spending about \$2,000 per month to meet its needs and has fed between 60 and 114 people each day it's been open.

We all have a role to play in ensuring the holiday season is happier for those in need. We can do that by donating non-perishable items to food banks like the Sharing Place. We can also do that by contributing to the Christmas Kettle Fund, donating food, clothing and toys to the Salvation Army or volunteering to help sort and pack Christmas hampers. In doing so, we can help those less fortunate experience the warmth and generosity of spirit that make this season special.

CITY OF SAULT STE MARIE

Mr Tony Martin (Sault Ste Marie): I rise proudly today to share with you and the House a logo recently developed by the Economic Development Corp in partnership with the community for the city of Sault Ste Marie. Today I would like to congratulate my community and our local EDC for the innovative and creative logo they have given to our city.

The logo incorporates simple representations of the outflow of Lake Superior, the northern sky and the Canadian maple leaf. The logo evokes a feeling of the multiseasonal change that happens in our area. The name, Sault Ste Marie, is accompanied by a smaller symbol of the city's geographic location at the hub of the Great Lakes.

"Naturally Gifted" is the slogan we have chosen, which best represents the talents and gifts we have in Sault Ste Marie. Good things and good people have come from our community, and this is what this new logo will represent. We are back on track in the Sault with our major industries. The Sault Greyhounds have been successful over the last three years. We've given Canada its first woman astronaut, Roberta Bondar. Some of the best hockey players in North America have come from our commun-

ity: the Esposito brothers were two, Paul DiPietro, Ron Francis; even Wayne Gretzky played for some time in our city.

We also have had some of Ontario's more outstanding members of this place. I remember, for example, Art Wishart, John Rhodes and Russ Ramsay, and of course Steve Mahoney hails from Sault Ste Marie as well.

My congratulations to Sault Ste Marie, and keep on keeping on.

WCB PREMIUMS

Mr Steven W. Mahoney (Mississauga West): I appreciate the plug. I don't know if I'm now supposed to be nice, but congratulations to my home town, Sault Ste Marie; we're proud of it.

Yesterday in the House in response to a question by my leader, the Minister of Labour either was mistaken or made an error of some type, I'm not sure. The leader said:

"At a time when 27,000 Ontario businesses are facing WCB rate increases of more than 25%, employers have a right to be angry when they see continued examples of the mismanagement at the Workers' Compensation Board. Minister, why is the WCB's only response to its financial crisis and its mismanagement to raise the premiums for employers?"

The minister said: "The member...knows specifically that the increase, whether she accepts it or not, is 3%, and that the differences, and there are as many down as there are up, are the adjustments that were made in the classification system."

To correct the minister and the record, the facts are that of 219 rate categories, 67 or 31% went down, while 129 or 59% went up and while 23 or 10% stayed the same. Clearly twice as many went up as went down, which is totally contrary to what the minister said, and I would hope he would want to correct the record.

RETAIL SALES TAX

Mr Robert W. Runciman (Leeds-Grenville): This summer the government introduced a 25-cent-per-litre tax on beer and wine made in brew-on-premises establishments. The tax is to rise twice more, so that by 1995 the total tax will be 38 cents per litre for you-brew beer or wine. Well, by 1995 there won't be enough brew-on-premises business left to tax. They'll all be gone and their employees will be on unemployment or social assistance.

It's already happening. At the three brew-on-premises establishments in my riding in Brockville, customers have been staying away in droves rather than pay an extra \$12 a batch in provincial tax. One you-brew business is now up for sale and the other two have watched their sales cut in half since the tax was introduced.

These two businesses used to employ 11 full- and part-time workers. The owners tell me that by February, when sales are slow, they'll have to let everyone go. The owners will work alone behind the counter and leave the state to care for their former employees.

According to the brew-on-premises association, this tax has killed 186 full-time and 225 part-time jobs in just two

short months. These are small business operators working a small niche of the beer market. I urge the government to leave these owners be. Stop killing small business. Stop future tax increases to this sector and stop killing jobs.

PROPERTY ASSESSMENT

Mr Tony Rizzo (Oakwood): One of the most difficult challenges facing governments today is the issue of taxation and revenues. All across Canada from province to province we see governments struggling to find innovative ways to stimulate their economies, to create new wealth and to get people back to work.

Later today I will submit a bill to amend the Assessment Act to encourage economic growth.

Currently, when home owners undertake to make an improvement to their properties, they are immediately reassessed and their property tax increased accordingly. This has the negative effect of penalizing people for upgrading their own homes. It also encourages them to get improvements done without a building permit and drives them to the underground economy, thereby depriving the Ontario government of possible sales and income tax revenues.

The proposed bill would give Ontarians an exemption from any increase in property taxes as a result of making renovations and additions. I feel this would be an incentive for people to spend money that they otherwise would not have spent. We are talking about job creation at a grass-roots level, with more building materials being purchased, small businesses creating employment for more tradespeople and neighbourhoods benefiting from increased economic activity.

Stimulating economic activity is this government's first priority. The passing of this bill would be another step in the right direction.

1340

MURRAY WEPPLER

Mr James J. Bradley (St Catharines): I have some news for the people of Ontario, in case they're not aware of it:

"Premier Bob Rae has hired his third communications adviser in a year." That's always known as a spin doctor.

"Murray Wepler, who has worked for two federal NDP leaders and former Ontario NDP leader Michael Cassidy, started working as Rae's chief communications aide on Friday."

He doesn't come cheap. "Wepler will earn a deputy minister's salary—which ranges from \$104,500 to \$152,250—to help the government coordinate its communications strategy and cast a favourable light on government activities.

"The long-time party loyalist is the third person to act as Rae's chief communications aide in the past year.

"John Piper resigned last November after becoming tangled in" a scandal. "He was replaced by Montreal communications specialist Jean-Guy Carrier last spring....

"Wepler was a reporter at the Ontario Legislature in the late 1960s and started working as federal NDP leader David Lewis's executive assistant in 1971."

Was it Murray Wepler who arranged for the Windsor

casino announcement to be made Friday at 3 pm, when the Legislature is not sitting, and when the Windsor Star, which has the most immediate interest in this story, will be unable to have the announcement in its final edition? Do we have another John Piper?

ROYAL COMMISSION ON LEARNING

Mr David Tilson (Dufferin-Peel): I'd like to tell this House and the people of Ontario about an experience I had yesterday evening as I made a presentation to the Royal Commission on Learning.

As you know, the Royal Commission on Learning has been charged with—I will read directly from the propaganda it sent to promote its process: "The commission will reach out to, and listen to, everyone committed to quality education."

This House should be aware that the Royal Commission on Learning is not doing an adequate job of listening to the people of Ontario. At last night's public hearing, only four of the commissioners were present to hear deputations. Co-chair Gerald Caplan was not present. After his comments in the Ottawa Citizen that he is "certain there is no hope of drawing a clear message from the differing and often contrary views Ontarians hold about their education system," he has probably decided to give up hearing deputations.

To make matters worse, the commissioners were then divided into two rooms and I was forced to appear before only two members. They interrupted my speech during my opening remarks and asked if I'd be able to summarize my comments. I had taken a great deal of time to prepare my remarks to the royal commission because I felt, as a member of provincial Parliament serving a population of over 50,000 people, I had an obligation to pass on to the commission the many concerns and comments I had received from my constituents regarding education in Ontario.

To be interrupted during my introduction was certainly frustrating. Then to be given a mere 10 minutes was laughable. Stop the farce. Either give the people the time and opportunity to make their full presentation or admit that you have no intention of listening to the people.

The Speaker (Hon David Warner): The member's time has expired.

Mr Tilson: Pretending to listen is worse than not even trying to consult.

COMMUNITY ECONOMIC DEVELOPMENT

Mrs Karen Haslam (Perth): I've been rising in the House to remind members of the wonderful programs that this government has been introducing in the last three years. Today I would like to tie that in with the recent event in the town of St Marys in my riding.

The program is community economic development and the event was a community forum for display of services and informative workshops on the theme Focus on Financing your Community Project.

Seminar presentations highlighted the value of volunteers, successful fund-raising and understanding the emerging societal trends to better plan marketing campaigns.

In this information revolution, the organizations that were involved in this forum recognized that their contribution to the economy of my own community will be maximized by keeping abreast of government policies and funding access formats.

Jobs Ontario Community Action, designed to give local communities the resources and tools they need to undertake economic renewal initiatives, formed an important aspect in this community forum. This program can help communities help themselves by giving them greater control of their own economic development.

Carolyn Clark, coordinator and founder of Pro-Vision, a new company ready to help communities and volunteer organizations network and take advantage of government programs, put together an excellent project in cooperation with the St Marys Economic Development/Tourism Committee, and I am sure that the participating associations gained much from the first community economic development forum.

I hope more communities investigate this idea and take advantage of some of the new community economic development program pieces.

ORAL QUESTIONS TUITION FEES

Mr Charles Beer (York North): My question is to the Minister of Education and Training. Minister, as you know, traditionally the government announces tuition fee increases in the fall, usually in November. The minister would be aware that both the student community as well as the universities and colleges themselves are anxiously waiting to hear what the next increases will be. We know that since this government has taken office, it has increased tuition fees by some 22%.

Minister, can you tell us today what the tuition increases will be, and if you can't tell us today, will you make a commitment as to precisely what day you will be making that announcement before we rise?

Hon David S. Cooke (Minister of Education and Training): First of all, I can't indicate the precise percentage of increase because that hasn't been decided yet. As soon as it has been decided, we will make a public announcement and the member will certainly be informed as soon as possible.

Mr Beer: I have been informed that in fact you and the government have made a decision that tuition fees are going to increase by 14% over the next two years, 7% and 7%, so that's 14% on top of the 22% that has already been implemented, for a total of some 36% increase in tuition fees by this government. Just to put that in perspective, that is over three times the rate of inflation during that same period.

Minister, at a time when students have, as you know, an impossible time in finding any kind of full or part-time employment to help pay their existing tuition fees, when it's very difficult to be able to plan for any kind of job, and when they see that the grants program has ended, how are you able to justify, in that climate, putting the burden of the increases needed for proper university and college funding on the backs of students? How can you justify any tuition increases this year?

Hon Mr Cooke: First of all, the member is wrong about a decision being made. I have not signed a cabinet submission to go to cabinet yet. I haven't signed a cabinet submission because the one that was presented to me was not one that I was prepared to sign. I've given some instructions to the ministry to redo the cabinet submission, so there's been no decision made.

I can assure the member that when we deal with the tuition question, it's not simply going to be a matter of dealing with tuitions. It's going to be a matter of increasing student aid to cover any increase in tuitions, having real student involvement in how that money is spent, dealing with the question of enrolment and increasing the amount of enrolment in our universities with the tuition increase, and also dealing with the whole question of ancillary fees.

Those are all going to be parts of the package, and it's not simply going to be a percentage increase in tuitions. I told him that before. It will be a comprehensive package that will reflect a lot of the concerns that students have expressed to us as we've consulted with them.

1350

Mr Beer: I at least recognize that what we've had confirmed is that there is something that is going through cabinet, and I would hope and encourage the minister to look at the kind of increase that is being proposed and also the package that he is contemplating.

What I want to make clear, Minister, is that all this is happening at a time when, through the expenditure control plan, you've taken \$90 million away from colleges and universities, and through the social contract you've taken away a further \$160 million. The only policy one can see on the part of you and your government is that whatever the needs of the universities and colleges are, those will be met on the backs of students and families through tuition increases.

As the minister has raised other parts of what he says will be a package that he's going to announce, and given the backdrop that the average student loan this year has gone up from some \$3,200 to \$5,300 and student debt has gone up also by a similar margin, Minister, can you tell us clearly then that you will put a cap on the non-tuition fees, that you will make changes to the Ontario student assistance plan so it will enable students to deal with whatever it is—the 14% increase, 10% increase—because we know you're going to have an increase. Will you protect the students of this province so that they will be able to go to the university and college of their choice?

Hon Mr Cooke: What I can indicate to the member is that there will be a comprehensive package, and some of the issues that the member has raised will be addressed in the package that I present to cabinet.

But I can also indicate to the member that when your critic for post-secondary education has asked questions, he's talked about the difficulties with the capacity in the college and university system and the fact that there's not enough capacity for the qualified students who have applied. We can't deal with that question unless we put more money into the system. There is no additional

money for transfer payments, so it has to come from someplace, and obviously it's going to have to come from increased tuition. The member has to accept that.

I would also suggest that your critic says one thing, you say another thing and then your leader goes around the province and talks about an additional \$2 billion in cuts in transfers. Now, what would that do to the students and the universities of this province? What is the Liberal position today?

Mr Beer: On a point of order, Mr Speaker: Let the record show that there is no difference of opinion between myself, the member for Ottawa South and my leader.

The Speaker: The member does not have a point of order. Would the member take his seat, please. I ask the member to come to order. New question.

SPECIAL INVESTIGATIONS UNIT

Mr Murray J. Elston (Bruce): I have a question for the Attorney General. We have seen in today's newspapers and also have received excerpts from a report by Metro Toronto with respect to the special investigations unit and problems that have arisen as a result of Mr Howard Morton and his conduct.

Madam Minister, I know you're familiar with the problem, but just to underscore it, let me indicate that Mr Morton has spoken directly with members of a victim's family at least six months in advance of informing the other people who were involved in the investigation about the results from the investigation. Do you find that to be conduct becoming of his position in public office?

Hon Marion Boyd (Attorney General): I have not had the benefit that the Toronto Sun has had and that apparently the House leader for the opposition has had of reading the report. I understand a copy was delivered to our ministry a little earlier today, but I have not had the opportunity to read that, nor has it been discussed by the Metropolitan Toronto Police Services Board. It is to be tabled at their meeting.

So it would be quite inappropriate for me to comment either on the content of a report I have not read at all or to make a comment on what the member reports is part of that. However, I would say to the member that certainly I take very seriously the allegations that have been made.

Mr Elston: We know how ministries work. As soon as the report came out in the Toronto Sun, all kinds of people would have been running around the minister's office, briefing her about this and indicating what in fact was happening. She would have had people down at the police services board who would have called back and told her what was in the report.

Let me just read this. It says:

"Mr Morton spoke to members of the Vega family and their lawyer several times. He told them on May 21, 1993, of his findings in clearing Constable Gallant of criminal wrongdoing and discussed their options including a civil litigation. Mr Morton did not inform the police force until October 4, 1993, of his findings. No reasonable explanation has been given why it took him so long to do this."

Don't you find it very, very difficult indeed to support this gentleman in his office? Will you ask him to resign?

Hon Mrs Boyd: Earlier this session, we had a very vehement discussion in this House about the presumption of innocence when people are accused or allegations are made against them. I would assume that the same would apply to people who work in government positions.

When I have received the report and I have reviewed it and I have had an opportunity to speak with the individual involved, then I will be able to make a decision. I certainly have no intention of making any pronouncement at this point in time.

Mr Elston: We have no confidence that the Attorney General will move at all. She has known there have been complaints lodged both by our party, by Mr Osler and others with respect to the operation of the SIU.

Indeed, it is clearly known that the SIU needs at least 20 people to carry out the job which has been assigned to it, and your ministry has allowed it but five. You have refused to provide them with the legislative clarification required for them to do their job and now you have indicated it'll take you a long time to read the report.

Will the Attorney General come clean with us today and indicate that she will totally revamp the SIU by providing the needed resources and by taking out of operation a chairperson who has obviously overstepped his lines?

Hon Mrs Boyd: I am not prepared to make that statement at this time and I have explained why. I have also been very clear in this House that I share the concern that's been expressed by the opposition, by the third party and by many members of the community, as well as policing forces, that the current legislation does not do what was expected to be done; legislation, I would remind the member, that was designed and passed by his government.

It is not sufficient and we have made it quite clear that part of our job is to work with the SIU, with the policing community and with the broader community to try to work out, first of all, interim measures, because there need to be interim measures, given the length of time it takes to get any kind of legislative initiative through this place, and we will be proceeding to make the SIU more effective.

EDUCATION PROGRAM EVALUATION

Mrs Dianne Cunningham (London North): I have a question for the Minister of Education and Training. The minister this morning announced the test results of the grade 12 English- and French-language writing programs. The panels evaluated the overall quality of student writing according to five categories: superior, strong, satisfactory, marginal and weak.

The panel evaluating the English-language results rated the overall performance of students enrolled in advanced-level English courses as, listen to this, Mr Speaker, marginal for day students—marginal for advanced English—and weak for night students; the performance of students in general and basic courses in our day schools as satisfactory; and the overall performance of French-language students as satisfactory. As the Minister of

Education, I ask you, how do you justify such disturbing and unacceptable results?

Hon David S. Cooke (Minister of Education and Training): First of all, the member should make it clear that this writing evaluation was done in 1991 and was an initiative by this government to start building some accountability into a public education system that for all too long, by her party and the Liberal Party, had been left completely unaccountable in this province, and we're determined to change that. That's simply a reality.

I indicated this morning at the press conference, and I'm sure whoever was there monitoring the press conference for you told you, that I was not satisfied with the results. Two thirds of the individuals who participated in the results were satisfactory, but the fact that one third were not means that we've got some work to do. That's what accountability is all about, testing the system, looking at it, and making the results public so that the public knows the state of their public education system. Then it's up to the government and the boards and the profession to take the necessary steps to correct the difficulties.

Mrs Cunningham: Mr Minister, I just have to advise you that we've been conducting these provincial reviews since 1987 and every time the results have been satisfactory or marginal—since 1987. On April 21, 1989, Mr Richard Johnston, the former NDP Education critic, stated in response to the poor results of the provincial chemistry and physics reviews that, and I'm going to quote:

"It's time the minister stopped being so pleased. I doubt that many parents are pleased. It's time the minister acted upon the results that are confirmed in study after study and undertook a serious effort to remedy these problems."

1400

We can't afford to have an education system that graduates students that write at a "satisfactory" level. My question to the minister is this: Do you agree that it is time to introduce (1) a core curriculum based on internationally verified standards, (2) regular systemic testing, and (3), and I underline this, remedial programs to ensure that all children acquire a knowledge at a strong or superior level? Do you agree with that?

Hon Mr Cooke: First of all, the member should also realize that this evaluation was done before the Common Curriculum came in. Of course, now that we have a common curriculum across the province, it will take time to see the benefits of that curriculum work its way through the system. Let's be fair about that.

Secondly, she doesn't make any reference to the fact that this morning we also announced that the standards, and again an initiative from this government, will be released for grades 3, 6 and 9 in February of next year. That's very clear and a positive step as well.

The other thing we announced this morning was that the province-wide testing for grade 9 students in reading and writing that is happening this year is being repeated the following year. So this government is moving aggressively with national testing, science, writing and arithmetic and province-wide testing in grade 9, in a way that no

other government has ever had enough guts to do, and we're doing it because we want to see the public education system the best system in the world.

Mrs Cunningham: I have to say that I did carefully read what the minister said this morning as a result of his statement and that's why I'm asking the question.

If Canada is to remain competitive in the tough economic times that lie ahead, it is absolutely essential that all of our high school graduates attain a high level of competence in all the basic skills—not just a few of them; all of them, in every single grade.

If they are entering university without these skills, something is radically wrong with our entire system of education and the taxpayers' money is wasted. Universities are doing remedial testing. Therefore, they're spending more money trying to equip students with skills they should have learned in our elementary and secondary schools. We don't want a satisfactory system or a pretty good system, as the minister described this morning; we want an internationally competitive education system.

My question: The minister advised us today that these students were tested in 1991. I'm advising him that students have been tested in this regard since 1985. It's not new. They are now, these very students we're talking about today, post-secondary education students. I'm going to ask you, Mr Minister, if you will elaborate on your last answer, expand upon it, and tell us what immediate steps you are taking to make sure that this trend does not continue.

Hon Mr Cooke: I think I already indicated to the member that the Common Curriculum was released last February for grades 1 to 9. I think it is important to realize there is more testing and evaluation of our public education system going on under this government than has ever occurred in the history of the public education system, more than even in the 1960s, as some in the Tory party like to talk about.

We're evaluating. We've brought in the Common Curriculum. We've brought in the standards. There are more substantial changes to the system than have occurred in years and years and years because we're determined to improve the public education system for all of the students to make it the best system in the world.

SPECIAL INVESTIGATIONS UNIT

Mr Michael D. Harris (Nipissing): I'd like to go back to the Attorney General concerning her response to the member for Bruce on the Morton affair. The minister in response said that she has not read the report. I wonder if the minister could just clarify for me if she's talking about the report that the member for Willowdale has called to be made public and called for your reaction to on many occasions. Is she talking about the report of the allegations, as were outlined in the Toronto Sun today, of Mr Morton counselling relatives of a man who was fatally shot by a Metro police officer? Is that the report she's talking about that she hasn't read? I wonder if she could clarify for us just what information is in her ministry around this contentious issue that she has not read yet. Could you do that, Minister?

Hon Marion Boyd (Attorney General): I'd be happy

to do so for the member. The report to which I referred was the report that is being tabled today at the Metropolitan Toronto Police Services Board.

Mr Harris: Minister, you've refused to ask for the resignation of Mr Morton, saying I guess that you're waiting to read a report. If this report then is a report on the allegations, I would want to ask you why you haven't read it, given the credibility problem that SIU has, given the great difficulty that is out there among all the police officers and the lack of credibility of Mr Morton, which has been brought to your attention on many occasions by the member for Willowdale.

Could I ask you this: In many circumstances, when one has lost credibility and effectiveness, while waiting for the final determination on whether you're going to sack them or not, one would ask him to step down at least temporarily pending the investigation. Are you prepared to do that?

Hon Mrs Boyd: Again, I would refer to the fulminations of the opposition and the third party around the whole issue of presumption of innocence earlier this year. I think it is most inappropriate for the member to suggest that when there are allegations from one group of people, one should act without having a full ability to know what the issues are around the fact.

The member asked why I had not read the report. I had not read the report because I am not a member of the Metropolitan Toronto Police Services Board. The report was delivered to our office, as I understand it, late this morning. As soon as I have an opportunity to read that, to discuss the matters with the individuals involved and to discuss the matter with the deputy minister, I may be in a position to give a fuller answer, but it would be most inappropriate for me to make assumptions based on other people's reports of what is in a report that I have not read at this time.

Mr Harris: The member for Willowdale has raised example after example of problems at the SIU. He's raised the deficiencies of the legislation, which you today acknowledge and have done nothing about. It's not good enough just to point to the Liberals for bringing in bad legislation. You've been there three years now, you've had plenty of opportunities and it's been pointed out to you on many occasions that you should do something about it.

Secondly, in the absence of a job description, Mr Morton has obviously written his own, and it is obvious that it is not working. He is to be head of an impartial body, but clearly Mr Morton believes his job is much different than that. Given that when police officers are under investigation they are asked to step down, why is it that Mr Morton is not asked to step down when the investigation ought to be being made about allegations that he's lost his impartiality? Can you explain that double standard?

Hon Mrs Boyd: I have a number of problems with what the member has said. There are some instances indeed where allegations against police officers require them to either step down from their jobs or to be suspended or to take on other duties. That does happen and there's no question about that. I would not be able to

determine in this case, until I've actually seen what the situation is, whether that would be appropriate in this case, and I've made that clear to the member.

I would agree with the member, and I have not just said today in this House but I have said previously, that I share the concern around the lack of clarity in the legislation around the mandate of the SIU. That has also been identified by the director of the SIU. The director has been very clear about his advocacy for a much clearer mandate and much clearer rules of procedure. So we're not in disagreement with that, and I'm delighted to hear that the third party is prepared to support a legislative change that would strengthen the SIU.

1410

RECYCLING

Mr Steven Offer (Mississauga North): I have a question to the Minister of Municipal Affairs and it is on this issue right here.

Mr James J. Bradley (St Catharines): Ah, the blue box.

Mr Offer: Minister, in less than three months provincial funding for the blue box program will run out. Yesterday, at Metro works committee, a proposal to expand the Toronto blue box program was deferred because of uncertainty in funding. I understand at that meeting it was indicated there is information circulating that any new financing program involving the private sector will not be ready in time.

Municipalities throughout the province need the assurance that this program, the blue box program, will not die this April. It appears there will not be a private sector financing agreement. If this is the case, will you commit today to extending the blue box funding program until such time as an agreement with the private sector is finalized so that this program doesn't die?

Hon Ed Philip (Minister of Municipal Affairs): The Minister of Environment has already given the assurance that the government will ensure the financial stability of the blue box program. The government is sensitive to the concerns of the municipalities and I'd ask the honourable member, what information does he have that no one else seems to have that private enterprise is not going to cooperate? The industry has come forward with the Canadian industry product stewardship initiative. We are negotiating with them. Those are the facts. It would be helpful if the honourable member did not spread misinformation to the public and scare them in an unnecessary way.

Mr Offer: It would be helpful if the Minister of Municipal Affairs would watch some things that take place, such as what took place at Metro Toronto yesterday where this information was made public.

Without a funding commitment, you are putting the blue box program in danger of collapsing. You will kill this program. Municipalities cannot plan; confusion continues. The Ministry of Environment and Energy has put the ADM, Ron Clark, in charge of forging a new financial arrangement in place. Today I was informed that Mr Clark is going to retire January 1, in less than 30 days. No person in charge, no agreement, no plan: Minister, we need your commitment to maintain this

program. Don't kill the blue box program. Will you commit today, yes or no, to maintaining this program?

Hon Mr Philip: The members of the opposition get up day after day and attack the blue box program. Now they want the assurance that it will continue. They like to have it both ways.

Let me give the assurance that there is no—

Interjections.

The Speaker (Hon David Warner): Order.

Hon Mr Philip: It would be interesting to know what their policy is. They're the only party I know of that can make headlines by saying they finally had a policy, as the Toronto Star had today.

Let me assure the member that there is no basis whatsoever to his claim that a funding agreement will not be ready. There is no basis. Read my lips: There is no basis to your statement.

LANDFILL

Mr David Tilson (Dufferin-Peel): I have another—

Interjections.

The Speaker (Hon David Warner): Order. The member for Dufferin-Peel with his question.

Mr Tilson: I have another question for the minister of dumps. Mr McIntyre told the Metro works committee yesterday that the estimated planning costs for the three dumps could cost as high as \$280 million, and that's excluding expropriation.

To continue to loan the IWA obscene amounts of money on its attempt to buy off opponents of the three farms destined to become superdumps—Minister, can you tell the House how the IWA intends to pay back this enormous loan that the province of Ontario is giving the IWA?

Hon Ed Philip (Minister of Municipal Affairs): My understanding is that the figure the member has used is a figure of developing and of building the dumps over a period of the 20-year life expectancy. If you look at that figure, it then can be put in perspective. I think the IWA will manage that, and they've answered questions on that already.

Mr Tilson: My understanding was it's preliminary consultant work and other work up to the dumps and that it excludes expropriation. That's the problem.

There's no question that with all of these amounts of money, it's going to be a substantial amount of money, whether it's pre-dump or after-dump, and I submit that the facts Mr McIntyre has given are the pre-dump figures. You will give to the IWA more than some ministries of this government are given as an operating budget. All of the following ministries have smaller operation budgets than the money being given to the IWA: Consumer and Commercial Relations, Citizenship, francophone affairs, Intergovernmental Affairs, native affairs, Northern Development and Mines, women's issues, Board of Internal Economy and Labour.

Can you not see that the exorbitant amount of money being spent by the IWA could be put to much better use if we could be exploring all of the options that are available to us to deal with our waste problem and not

simply continuing to throw more money into a process that is going to add to Ontario's burgeoning debt?

Hon Mr Philip: The members of the Conservative Party like to attack the blue box program, the 3R program, all of which reduces the garbage that will go into a dump site.

The ownership of the sites and revenue are open to discussion, and indeed David Crombie is working on a set of proposals in this regard.

ONTARIO HUMAN RIGHTS COMMISSION

Ms Margaret H. Harrington (Niagara Falls): My question is to the Minister of Citizenship. We all know that sexual harassment happens in the workplace. We are now, as a government and as a society, encouraging women to speak out. They have to speak out in order to change things, to let people know they have the right to work without harassment. Yet often when this happens, women are fired.

Women take their complaints to the Ontario Human Rights Commission and what do they find? A two-year wait. Minister, this is unacceptable. What is being done to get rid of this backlog?

Hon Elaine Ziemba (Minister of Citizenship): Yes, my colleague is absolutely right: This is unacceptable. We do want to make sure that people who come to the Human Rights Commission are served and that their cases are heard in a timely fashion. That is why we brought about a task force to eliminate the backlog that we have inherited. That backlog is almost resolved and the cases before it have been complete.

We are now still giving a priority to our older cases, but we also realized that we did not want to create a new backlog. So in the process of resolving the other backlog, what we did was to set up a new initiative called the early settlement initiative that would make sure that cases would be settled prior to six months. We now find that of all the new cases in this fiscal year, 66% of them have been completed before six months, and 66% of new cases is quite an outstanding, remarkable achievement.

1420

Ms Harrington: I do appreciate that changes are being made. I want to just reiterate that a two-year wait is too long. We know that justice delayed is justice denied and people's lives and jobs are permanently affected. We need that new action. Are there other new actions that you can tell the women out there about that are being done to stop this backlog?

Hon Ms Ziemba: It's very timely that the member has asked me this particular question, because we have done a number of new initiatives to make sure that we do not have a backlog in the future.

Of course, there's been a whole review of our enforcement procedures, a whole review of making sure that the staff are well trained and that the clients become the first, primary source of our desire to make sure that client service is there. The staff training has been very fundamental in making sure that changes have come about.

There have been new mechanisms for quality assurance, improvements in technology and a whole new accountability requirement. I could go on and on with a

list, but the Speaker is shaking his head not to go on and on, so I will not but to say to you that our commitment as a government is to make sure that human rights issues are dealt with in a timely fashion and that justice is served.

SOCIAL CONTRACT

Mrs Barbara Sullivan (Halton Centre): My question is to the Minister of Health. Minister, you will know that your own amendments to Bill 50 would have allowed the Ontario Medical Association the flexibility to meet its obligations under the Social Contract Act, using the same principles as any other group which is required to meet the Social Contract Act.

While that very bill is waiting for third reading in this House next week, we've learned that you refused yesterday to consider any of the proposals of the Ontario Medical Association to meet its social contract obligations in a planned and coordinated way. We'd like to know why you have refused to consider the OMA proposals and substituted your own solution instead.

Hon Ruth Grier (Minister of Health): It's always difficult to answer questions that are phrased in such a way that you don't agree with the premise of the question. Let me remind the member and the House that this government asked everyone who is paid by the taxpayers to share in reducing their incomes in order that we could contain provincial finances. We wanted to negotiate that in a way that would both protect services as well as protect jobs, and that's what Bill 48 did for the broader public service and the direct public service.

With respect to the Ontario Medical Association, we have a framework agreement with them as to how we can work cooperatively, and as a result of that, we negotiated long and hard through June and July and reached an agreement on August 1. The OMA then asked us to pass a regulation that would see every OHIP payment reduced by 4.8%, and Bill 50, the member is correct, encompasses the ways of implementing that agreement.

That agreement was elaborately ratified and made plain to all members of the profession before ratification. Now, in the middle of November, the OMA has come back and said that it wants the province to legislate a mandatory nine days off. That was suggested in June and that was refused in June.

The Speaker: Will the minister conclude her response, please.

Hon Mrs Grier: Nine days off for doctors does not protect services, does not in fact meet the requirements of the social contract and impacts in a very disruptive way, as I don't have to tell the members, on all the other health care services. So that was the reason that we said no in July and that we are saying no in November.

Mrs Sullivan: The minister's interpretation is clearly a one-sided one, because the Ontario Medical Association clearly wanted to meet its social contract obligations, which it had signed with the government under the framework agreement, along with the flexibility to ensure that services were preserved.

Because of the decision that the minister took yesterday, the medical association will not have any way of

knowing when its social contract obligations are met, or of ensuring that the clawbacks which she's insisting upon are made equitably, or that the doctors' Rae days are coincided and coordinated with the hospitals' Rae days, or that patients are informed about those Rae days. The OMA simply will not know.

Her unilateral decision will further disrupt access to medical services across Ontario. I'm asking the minister why she won't work with the organization, which she calls her partner, to ensure that medical expenses meet the social contract targets and that access to services is not deteriorating.

Hon Mrs Grier: I signed the agreement with the Ontario Medical Association on August 1, and I believe that agreement, as did the OMA then, meets our social contract targets.

Mrs Sullivan: You have not met one paragraph of that agreement.

The Speaker: Order, the member for Halton Centre.

Hon Mrs Grier: What it does, for the members of the House, is that it caps the amount of money that can be spent by OHIP.

In response to a request from the OMA, we implemented a regulation that means that every time a doctor bills OHIP, that bill is reduced by 4.8%. That will both maintain services and reach our targets under the social contract. That's what the social contract was all about.

It's this opposition that suggested that we merely slash expenditures, without ensuring that we maintain services. To us it is critical that we protect medicare by maintaining services. That's what I believe we achieved in our agreement with the OMA.

CASINO LEGISLATION

Mr Ernie L. Eves (Parry Sound): I have a question for the Minister of Consumer and Commercial Relations. I wonder if the minister could tell the House whether it's just a coincidence that we're ramming through Bill 8 in third reading today, when the court case in Windsor resumes on Monday, or whether there's some machiavellian plot to get this thing passed before the court case resumes.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): I hate to disappoint the member, but I believe that we have been dealing with the bill for quite some time now. We've had lots and lots of debate on it, and I would say that it's about time we get on with it. That's exactly what we're doing today.

Mr Eves: I take it, by that non-answer, what the minister really is saying is that there indeed is a plot to get it passed before the court case resumes in Windsor on Monday.

Minister, why are you taking away land owners' rights under the Expropriations Act of Ontario and backdating the date of expropriation to January 1, 1993? Why are you doing that and why are you taking away these people's legal rights?

Hon Ms Churley: I believe the member for Parry Sound has heard an answer to this question time and time again in committee of the whole. I believe that the

amendments in fact do not amend either the Planning Act or the Expropriations Act. He knows that. They simply hold these sections in abeyance, as is done in many bills that have passed in this assembly. He knows that.

I believe all these amendments do is give effect to the purpose of the bill as set out in the title. That's simply what is happening here. The city of Windsor asked us—and we have worked closely with the city throughout this whole process—to include these amendments, and we have done that.

INTERNATIONAL TRADE

Mr Daniel Waters (Muskoka-Georgian Bay): My question today is to the Minister of Economic Development and Trade. We have seen a long scenario of trade agreements and discussions and different things from the federal government, from the previous government. We've seen their free trade agreement and their financial policy. It has completely decimated, or attempted to decimate, the industrial sector of this province. If it wasn't for the efforts of this government, it would have.

Then I have a number of concerns also from constituents of my riding who about the Great Lakes on Georgian Bay. We have a situation where we're concerned about the fresh water and retaining that fresh water and keeping it for the betterment of all of us.

Then today I see that the new Prime Minister of this country, the Honourable Jean Chrétien, today announced that he reached an agreement with the US and Mexico on a series of measures concerning NAFTA.

The Speaker (Hon David Warner): Would the member place a question, please.

Mr Waters: He announced his intention to proclaim NAFTA on January 1, 1994. My question is, does his agreement satisfy Ontario's concerns over NAFTA?

Hon Frances Lankin (Minister of Economic Development and Trade): Let me answer the question very directly and say that, no, it doesn't satisfy Ontario's concerns, and express deep disappointment on the part of this government that the federal Liberal government is proceeding with proclamation of NAFTA. It fails to deliver in any way on the campaign promises that the federal government set out during the election.

1430

There was an indication that there would be a tough new deal negotiated with respect to the definitions of subsidies and dumping. In fact all we see is a continuation of the process that was established under the free trade agreement.

There was an indication that we were going to get new declarations on the security of our water natural resource, an important natural resource. In fact, all the joint statement does is say that there's nothing that compels you to export it. We all know that if any large amount of water is exported, it immediately becomes subject to the rules of NAFTA and the FTA.

With respect to energy, there's been nothing gained there.

We are tremendously disappointed, and we see this as really—

The Speaker: Could the minister conclude her response, please. Supplementary?

Mr Waters: On the last issue, Madam Minister, the issue of energy, the federal government today made a declaration on NAFTA and energy security. Will Canada's energy security be secure under NAFTA?

Hon Ms Lankin: In the opinion of this government, no. I had a discussion, along with other ministers of trade, with Minister MacLaren this morning in which he outlined the details of the federal government's statement on this. The bottom line, the most important sentence in all of the federal government's unilateral statement on this, is that the government interprets NAFTA as not requiring any Canadian to export any given level or proportion of any energy resource to another NAFTA country.

What he went on to say is that they also interpret NAFTA, however, to place on the federal government an obligation to service customers in a proportionate way if there's any energy shortage.

I asked the question at the time of the minister, could he please tell me what was the difference between a requirement and an obligation? I didn't get a satisfactory answer. There's certainly an indication, an immediate indication, from the United States, an admission from Kantor's office, which says that the United States has no doubt that Canada will continue to be a fully reliable—

The Speaker: Could the minister conclude her reply, please.

Hon Ms Lankin: —energy supplier as it provides for Canadian energy security and that the energy provisions of NAFTA are clear and that our countries will be consistent with their NAFTA obligations.

The Speaker: Could the minister please conclude her reply.

Hon Ms Lankin: In fact our energy is not secured by the unilateral statement.

SCHOOLS FOR THE DEAF AND LEARNING-DISABLED

Mr Hugh O'Neil (Quinte): My question is to the Minister of Education. Minister, I've had several discussions with both you and your staff concerning the future of the Sir James Whitney School for the deaf in the city of Belleville.

In a letter written by you on November 17 of this year to the parents, teachers and students, you state emphatically, "There is no plan to close any of the provincial or demonstration schools." Minister, there is still concern that your letter doesn't totally clarify the future of Sir James Whitney. Will you expand on this and the commitment you made?

Hon David S. Cooke (Minister of Education and Training): I guess I'm not entirely understanding what the member's asking. I've stated in estimates and I've stated in writing that we're not going to close the school.

Mr James J. Bradley (St Catharines): Give an unequivocal answer.

Hon Mr Cooke: Well, he quoted the letter. It sounded pretty clear. Anyway, once again, we're not closing any

of the provincial schools, period.

Mr O'Neil: I appreciate that answer, and I hope I don't ever have to come back to you to have you do something that you've said you won't.

Minister, let me be specific. The pupils, the parents, the staff and the key stakeholders are concerned about what plans you have concerning basically (1) the elimination of programs and (2) the possible transfer of the Whitney high school program to another provincial school, thereby leaving it strictly as an elementary school. I wonder if you would give us the same confirmation on those two points as you did that you will not close that school.

Hon Mr Cooke: What we have indicated is that there is a team of people who are reviewing the provincial schools. We're looking at all the—

Interjections.

Hon Mr Cooke: I believe it was very clearly outlined in the letter. That's no surprise at all. This was announced quite some time ago, to take a look at how we can improve the provincial schools. That's the only thing that's going on, but we're not looking at—

Mr O'Neil: The high school.

Hon Mr Cooke: When we say we're not closing the school, we're not closing the school, period, the high school or the elementary school.

SPECIAL INVESTIGATIONS UNIT

Mr Charles Harnick (Willowdale): My question is to the Attorney General. We have a major problem in Ontario with the special investigations unit. I've listened to all of your answers, and when we talk about the problem with the investigations, we can go ahead and we can hire more investigators—that's easy—but that's not the problem.

The problem you have is that Mr Morton, the director of the unit, will not complete investigations unless he is able to take a statement from the officer. You yourself know, as do all of the lawyers in the Attorney General's office, that you can't compel a statement from a person who's in the place of an accused. You can't compel a statement from someone who is going to be charged. So your dilemma is that as long as Mr Morton is the director of the SIU, you can't complete any more investigations. What are you going to do about that?

Hon Marion Boyd (Attorney General): The member is quite right that part of the issue is the inadequacy and the conflict, frankly, in the Police Services Act around the compelling of testimony of a police officer, given the police officer's particular position in our community and the particular powers and authorities we grant to them and need them to be able to exercise and their rights as individuals under the Charter of Rights. That is a conflict, and that has been identified again and again not only by the police community but indeed by us.

There are many instances in police investigations where an investigation by a police officer of another citizen is unable to be completed because the person they wish to interview may have received legal advice not to discuss. In those cases, those investigations remain open.

One of the issues that has arisen between the police community and the Attorney General's ministry is the great difficulty that is faced when, as is often the case in police investigations, those investigations by the SIU remain open in the absence of full information.

Mr Harnick: Why is it that when someone is accused of a crime, the police can investigate and prosecute that person without taking a statement from them, but when it comes to a police officer who is being investigated, why can't you complete the investigation and enter into a prosecution without taking a statement from him? Why is a police officer being singled out as a person who has to be investigated differently from any other accused person? That's the fallacy with the whole SIU procedure, and that's the fallacy with Mr Morton being the director. You're trying to do something that at law you can't do.

You can commission all the reports you want. You can go out and commission reports from a dozen and one people.

The Speaker (Hon David Warner): Could the member place his supplementary question.

Mr Harnick: But to compel someone to give a statement is contrary to the charter.

Now, I don't want a repetition of my question as your answer, as you just gave me. Tell me something, what are you going to do?

Hon Mrs Boyd: I would say to the member that he has, in his question, made suggestions that I did not make. What I said was that someone may be accused of a crime and a police officer may not believe that there are reasonable and probable grounds on which to lay a charge, and therefore the investigation remains open in the absence of information. That is the same in the SIU's instance. Obviously, if the SIU is convinced that it has reasonable grounds on which to lay a charge without interviewing the police officer involved, it will do so. It is exactly the kind of issue that arises in many police instances.

I would say to the member that I agree with him. We need to clarify the law, we need to strengthen the law and to work with the police community to find a way in which we can deal with these issues. That is certainly my objective and something I have been working towards ever since I became the Attorney General.

1440

ARTS AND CULTURAL FUNDING

Mr Gary Wilson (Kingston and The Islands): My question is for the Minister of Culture, Tourism and Recreation. Madam Minister, I have a question about a project that is causing a lot of excitement in our area because it provides an opportunity for the kind of cooperation we're looking for among the several levels of government as well as the private sector.

It involves the Agnes Etherington Art Centre in Kingston, which would provide for us the kind of regional art gallery that we've needed for a long time. In fact, the plan for the expansion of the art centre is one of a kind. The regional art gallery will combine additional exhibition areas, storage vaults and public spaces with new facilities for the academic programs in art history

and art conservation. The university's art library and visual resources will also join the above facilities. This singular combination of facilities will be unique in Canada, Madam Minister. I would like to know from you what kind of provincial assistance would be available for a project like this.

Hon Anne Swarbrick (Minister of Culture, Tourism and Recreation): I appreciate the question from the member. I met recently with the museum director for the Agnes Etherington Art Centre, along with Dr and Mrs Bader, who are key supporters of that museum as well, and I'm certainly quite excited at the prospect of what the expansion of that museum can mean, not only to Ontario's cultural infrastructure but also to the health of the economy of the Kingston area and eastern Ontario.

My ministry has been meeting with them also, to try and assist in the development of an application through the Jobs Ontario Community Action program, and we're also of course looking at the museum from the perspective of whether it might be an appropriate infrastructure development to include on our wish list with the federal government as well.

LABOUR LEGISLATION

Mr Steven W. Mahoney (Mississauga West): My question is to the Minister of Labour. The standing committee on resources development has been undergoing hearings, under time allocation imposed by your House leader, on Bill 80. As you know, Bill 80 is a bill that affects the unions in the construction trade and in fact provides the OLRB and this government with the ability to override the constitutions which have been democratically and duly passed by those unions.

To say the least, while we disagree on many aspects of the bill, one thing that I think you must agree on is that there's a lot of dissension within the trade labour movement over this bill. We've heard speakers come in on both sides of the issue, and frankly I think you're leading to a potential civil war in the construction trade union movement, caused by you, Bill 80 and this government.

In an attempt to try to at least settle things down, will you agree to an amendment that I will be putting in committee that will in essence say that the involvement of the Ontario Labour Relations Board should be on a complaints-driven basis; that when a parent union decides that a trusteeship or any other kind of interference in the local is to be invoked, it should be allowed to do so; and that if a complaint is filed, it will then be heard by the OLRB.

Will you agree to that amendment here today, to try to bring some peace to the trade labour movement in the construction industry?

Hon Bob Mackenzie (Minister of Labour): The member should know better than to try and get a member of the House or a minister to undermine the work of the committee that's sitting in hearings. He also should know that the legislation doesn't override the constitution. I can't understand his understanding or reading of the bill, if he's taken a look at it.

Yes, it's an issue that does have some differences of opinion in the construction trades. I think also it's a

mistake, a very unfortunate mistake, to make the kind of inflammatory remarks we heard from the member, that we're going to start some kind of revolution if this legislation is passed.

What the member across the way doesn't seem to understand is that some of the things the legislation is trying to deal with are part and parcel of trying to put workers as well as companies on a level playing field, of trying to see that we have a piece of legislation that protects workers and that we can get the maximum agreement on.

That's exactly what we've been able to do up until this point in time in that, and we have never backed away from the fact that there are differences of opinion over the construction labour bill.

Mr Mahoney: I want to take exception with this minister claiming that my rhetoric is creating the problem. I'm reading from a Provincial Building and Construction Trades Council of Ontario document presented by Joe Duffy. I believe Joe carries a card for the NDP even yet today, and by Pat Dillon. It is these people who are saying—

Mr Anthony Perruzza (Downsview): You're fear-mongers.

The Speaker (Hon David Warner): The member for Downsview.

Mr Mahoney: "The primary concern on Bill 80 revolves around the issue of the sanctity of the constitution." It is these people, the very people who put you in office, and I think regret it today, who are asking that you instruct your backbenchers on the committee that you, the minister, are prepared to support an amendment that will say that the involvement of the Ontario Labour Relations Board should be on a complaints-driven basis.

Mr Mahoney: You will bring some peace to the labour movement in the construction trades. You will at least give them some sense, while you ram this bill down their throats—

The Speaker: Will the member please place a question.

Mr Mahoney: —that you've listened to them. Will you, sir, never mind the committee, support the amendment?

The Speaker: Would the member take his seat, Minister.

Hon Mr Mackenzie: I want to assure the member across the way that I have every bit as much respect for Joe Duffy as does the member and that I always listen to them, but I also make it clear where I stand on an issue and why we're doing something. I don't try to hide from that. I don't try to appeal to one side or the other. I try to get as fair a position as is humanly possible and that's exactly what we've done with the legislation.

The Speaker: The time for oral questions has expired.

USE OF QUESTION PERIOD

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I would request that you review Hansard and the times and take note of a five-minute question and answer. I don't think that's very fair.

I had a very important question. I'm asking for unanimous consent of this House to ask my question.

The Speaker (Hon David Warner): I appreciate the member's point of order. The member may wish to note that today we exceeded the norm and had a 14th question. It would have been even better had we had a 15th question. The last exchange did take a bit more time than what previous questions and answers had taken, and all I can do is to continue to urge members to use as short a time as possible in both posing the questions and responding. But I do note that today we had a better day than we normally do in terms of the number of questions that were on the floor of the House.

MEMBER'S COMMENTS

Mr Gordon Mills (Durham East): This is a point of personal explanation, Mr Speaker: Yesterday, Hansard attributed a comment to me that could be construed by the member for Oakville South as being inflammatory.

This morning, prior to coming in here, I had a discussion with the member for Oakville South and I made clear the position of what had happened. The member for Oakville South and I have travelled on committees. We are good friends, remain good friends, and he is very pleased to accept my explanation of that remark.

I rise in my place today as not only having corrected that confusion with the member for Oakville South, but I stand in my place today to go on record as publicly withdrawing that remark if it's conceived as being somewhat inflammatory, which it wasn't.

The Speaker (Hon David Warner): To the member for Durham East, I appreciate his rising on a point of personal explanation, and indeed the member seems to have resolved the difficulty.

USE OF QUESTION PERIOD

Mr Steven W. Mahoney (Mississauga West): On a point of order, Mr Speaker: In regard to the comment you made about the length of questions, I too would appreciate you looking at Hansard because I can tell you, sir, that I was keeping track. The question and answer on NAFTA took eight minutes, and the question and the Health minister's answer was seven minutes. So don't be saying that my question took longer; I took five minutes with a question and answer.

The Speaker (Hon David Warner): Would the member take his seat. As part of my normal routine I review the time sheets every week. At any moment, if a member would like to take a look at the time sheets to learn of the amount of time used in questions and replies, I'm more than happy to share that information.

PETITIONS

SALE OF LAND

Mr James J. Bradley (St Catharines): This petition is addressed to the Legislative Assembly of Ontario:

"Whereas the government of Ontario has sold \$450 million worth of land without public consultation; and

"Whereas the government of Ontario has sold the Whitevale golf course, the Seaton golf course, 195 acres of open space in Pickering, 1,355 acres of agricultural land in Whitby; and

"Whereas the government now plans to sell \$500 million of our finest jails at the very time of a weak real estate market;

"We, the undersigned, call on the government to halt its sale of golf courses, open space and jails until the Legislature has had an opportunity to review the policy."

I affix my signature to this petition.

1450

Mr Chris Stockwell (Etobicoke West): This is of particular interest to the members from Durham where the dump site's going. I have my friend the member for Durham Centre here, unarmed.

"To the Legislative Assembly of Ontario:

"Whereas the government of Ontario has sold \$450 million of land without public consultation;"—it's a fact—"and

"Whereas the government of Ontario has sold: (a) the Whitevale golf course; (b) Seaton golf course; (c) 195 acres of open space in Pickering; (d) 1,355 acres of agricultural land in Whitby; and

"Whereas the government now plans to sell \$500 million of our finest jails at the very time of a weak real estate market;" and I would note those four land sites are all in the dump area in Durham where all this problem is.

"We, the undersigned, call on the government to halt its sale of golf courses, open space and jails until the Legislature may have an opportunity to review the policy."

This is signed by hundreds of constituents in Ontario.

Mr Tim Murphy (St George-St David): I have a petition on very much of a similar point and also of concern to the members from Durham, I'm sure.

"Whereas the government of Ontario has sold \$450 million of land without public consultation; and

"Whereas the government of Ontario has sold," among other things, "the Whitevale golf course, the Seaton golf course, 195 acres of open space in Pickering, 1,355 acres of agricultural land in Whitby;—contrary to policy I've seen the NDP be in support of—and

"Whereas the government now plans to sell \$500 million of our finest jails at the very time of a weak real estate market;

"We, the undersigned," and there are many, "call on the government to halt its sale of golf courses, open space and jails until the Legislature has had an opportunity to review the policy."

I affix my name to this petition.

SEXUAL ORIENTATION

Mr W. Donald Cousens (Markham): This petition is from Cedarview Community Church in Newmarket from Pastor Paul Hilsden and 371 of his communicants and members of that community.

"To the Legislative Assembly of Ontario:

"Whereas traditional family values that recognize marriage as a union between a man and a woman are under attack by Liberal MPP Tim Murphy and his private member's Bill 45; and

"Whereas this bill would recognize same-sex couples

and extend to them all the same rights as heterosexual couples; and

"Whereas the bill was carried with the support of an NDP and Liberal majority but with no PC support in the second reading debate on June 24, 1993; and

"Whereas this bill is currently with the legislative committee on the administration of justice and is being readied for quick passage in the Legislature; and

"Whereas this bill has not been fully examined for financial and societal implications;

"We, the undersigned, petition the Ontario Legislature to stop this bill and to consider its impact on families in Ontario."

Submitted and affixed with my signature.

SALE OF LAND

Mr Robert V. Callahan (Brampton South): This must be an epidemic because I have one as well. It's addressed to the Legislative Assembly of Ontario:

"Whereas the government of Ontario has sold \$450 million of land of the taxpayers of this province without public consultation;

"Whereas the government of Ontario has also sold the Whitevale golf course, the Seaton golf course, 195 acres of open space in Pickering, 1,355 acres of agricultural land in Whitby;

"Whereas the government now plans to sell \$500 million of our finest jails at the very time of a weak real estate market;

"We, the undersigned, call on the government to halt its sale of golf courses, open space, agricultural land and jails until the Legislature has had an opportunity to review the policy."

This is signed by many constituents and I'm affixing my name thereto.

TAX EXEMPTION

Mr Leo Jordan (Lanark-Renfrew): I have a petition to the Legislative Assembly of Ontario:

"Whereas museums are an essential part of the community, serving to preserve heritage and educate the public; and

"Whereas municipal governments should be empowered to provide automatic support for museums by enabling them to pass a bylaw exempting particular museums from municipal and school board taxes;

"We, the undersigned, petition the Legislative Assembly of Ontario to support Leo Jordan's private Bill 46, An Act to amend the Municipal Act to provide for Tax Exemptions."

INTRODUCTION OF BILLS

WORKERS' COMPENSATION AMENDMENT ACT (RE-EMPLOYMENT), 1993

LOI DE 1993 MODIFIANT LA LOI SUR LES ACCIDENTS DU TRAVAIL (RENGAGEMENT)

On motion by Mr Morrow, the following bill was given first reading:

Bill 129, An Act to amend the Workers' Compensation Act / Projet de loi 129, Loi modifiant la Loi sur les

accidents du travail.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a brief statement?

Mr Mark Morrow (Wentworth East): Yes, I do. The bill amends the Workers' Compensation Act to alter the basis on which compensation for future loss of earnings is calculated.

RACE TRACKS TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI DE LA TAXE SUR LE PARI MUTUEL

On motion by Mr Eves, the following bill was given first reading:

Bill 130, An Act to amend the Race Tracks Tax Act / Projet de loi 130, Loi modifiant la Loi de la taxe sur le pari mutuel.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a brief statement, Mr Eves?

Mr Ernie L. Eves (Parry Sound): Very briefly, the purpose for introducing this amendment is that it basically reduces the rate of parimutuel wagering on the horse racing industry in the province of Ontario. I believe that during the Bill 8 committee we heard many witnesses appear before the committee, including the government's own Coopers and Lybrand consultants, all of whom said that it is about time the province of Ontario addressed the issue of the excessive rate of taxation on the horse racing industry in the province of Ontario.

The original rates of taxation were established when horse racing was the only form of gaming permitted by law in the province of Ontario. Since then of course we've seen an abundance of lotteries, Sport Select, bingo, charity casinos and now the province of Ontario getting into the casino business itself. Everybody seems to be in agreement that it's about time these rates of taxation were adjusted.

I believe that the Ontario Jockey Club's race tracks across the province lost some \$7 million this past year. There was some \$40 million, I believe, in round figures, extracted by the province of Ontario in taxation. It's about time that we bring our levels of taxation on the horse racing industry, which employs anywhere from 25,000 to 50,000 people, depending on whose estimates you use—in any event, that's a rather significant amount—into line with other jurisdictions in North America, and that is the purpose of the amendment.

1500

ASSESSMENT AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR L'ÉVALUATION FONCIÈRE

On motion by Mr Rizzo, the following bill was given first reading:

Bill 131, An Act to amend the Assessment Act / Projet de loi 131, Loi modifiant la Loi sur l'évaluation foncière.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a brief statement, Mr Rizzo?

Mr Tony Rizzo (Oakwood): The purpose of the bill is to provide an exemption from property taxation under the Assessment Act for alterations, improvements and additions made to residential and commercial properties.

ORDERS OF THE DAY**EXTENDED HOURS OF SITTING**

Mr Charlton moved government notice of motion number 21:

That, notwithstanding standing order 9, the House shall continue to meet from 6 pm to 12 midnight on December 2, 6, 7, 8 and 9, 1993, at which time the Speaker shall adjourn the House without motion until the next sessional day.

Hon Brian A. Charlton (Government House Leader): This is simply the motion under the standing orders which will allow us, during these last two weeks of the regular defined calendar session, to sit past 6 of the clock and to sit till midnight in our attempts to finish as much of the legislative agenda as we can before the end of the calendar year.

Mr Murray J. Elston (Bruce): On behalf of the Liberal Party, I rise to indicate that of course we'll be supporting this, but just to bring to the attention of some of the individuals around this House, while this was noted originally in its form here as part of the standing orders as an emergency provision, it has become, by tradition, the norm for us to schedule our business now till 12 o'clock at night.

While there has been a considerable amount of discussion around a good bit of the debate for things like throne speeches and budget speeches and very little time offered for those, we have as a result had to resort to extending some of the debate on other of the bills so that we could make our presentations on points of principle and observations on other of the legislation in a more all-encompassing manner than might obviously be necessary if we had more general debate time on such an important item as the budget and the throne speech.

We are supporting this, but I rise again, as I have on several other occasions, to indicate that I believe that this ought only to be an emergency provision, that it ought not be the requirement for us to sit from 6 o'clock till 12 o'clock as though it were a part of our normal business activities, because I really, in my own mind, do not believe that we get either good debate nor do we get provision of sensible understanding of the legislation which is going through here. It is my view that sometimes when the clock runs late the eyes start to become smaller, that hearing gets poorer and in some cases people miss what would otherwise be seen in the light of the strong sunlight hours of our days here much more clearly to be perhaps mischief in the making in public policy.

So while I support it and understand the necessity to extend the hours so that we can carry on with more business, I alert the members as we do this that we still are not to take for granted the fact that all is well with all the pieces of the legislation, that just because they are ordered for debate between the hours of 8 and 12, for instance, they are less important than other legislation. Everything that we do here is extremely important, although I note that as we go into these late-night sittings few of the members regularly attend to hear the debate around what will in my view be several very important pieces of public business.

I regret that I have to say that, but I think I must observe reasonably and honestly for the people who are watching this proceeding that this has occurred as though it were the usual event of the day in this place when we get to extended sittings. So we look forward to seeing the agendas. There is a very comprehensive series of discussions under way now by the House leaders, but I want to advise some members that they are not to take for granted that everything will go through here without us observing the errors in what we believe to be the way of the New Democratic Party in this province.

Mr Norman W. Sterling (Carleton): We have a motion in front of us this afternoon to extend the hours of sitting from 6 pm to 12 pm for what is the remaining time on the parliamentary calendar.

I was involved in the negotiations which formulated this section, which gave the government the right to extend the session primarily during the last two weeks of the sessions in order for it to finish up its unfinished business.

One of the problems that we've run into is that it has been the practice of this government not to respect the parliamentary calendar. So in June the sittings, as you may remember, were extended well past the June deadline, into July and in fact into August. We now have another example of the government extending the sittings past the calendar date, December 9, when this place was supposed to rise in recess or prorogue.

The negotiation that took place when we undertook to revise the standing orders was that the government was given this right to extend the hours from 6 pm to 12 pm on eight legislative days coming near the end of the session on the basis that it would keep good faith in meeting the dates of the parliamentary calendar. This government has not demonstrated any good faith in keeping to our parliamentary calendar.

They might argue that that was as a result of delay tactics used by opposition parties. On the other hand, that has been the case in this legislative chamber since its inception, and in fact the opposition only has delay as its tool.

I would say that if I go back into negotiations with the House leaders or with members of other parties to revise the standing orders in the future, I would put on the table, from the opposition standpoint, that the government should no longer be given the right to bring forward this motion in the last two weeks, because the whole idea in having a parliamentary calendar was to allow MPPs to plan when committee sittings could take place, when we could go out and deal with bills which had been referred to committee and other matters referred to committee, and to get back to our constituencies to take care of local matters, which we have to do from time to time. Therefore the whole idea in giving this right was in fact that the government would live with the termination date as determined by the calendar.

Having said that, I want to also say that we did make a mistake when we drafted these standing orders, and that was the very form of this motion or the right to debate this motion given to the opposition parties. I would prefer, quite frankly, that if we are going to have a

government which is going to live by the calendar, I would view that what we have to do in the future is give some discretion to the Speaker to extend the session rather than have that as a unilateral decision on the part of the government House leader. If we are to transfer to the Speaker the discretionary decision as to whether or not the session can be prolonged, then I think this motion should be given as a matter that the government House leader could trigger the extended hours just on notice to the opposition parties or to the Speaker, whichever was most appropriate.

Therefore, it's not in our interest to extend this debate. We only believe that the standing orders will have to be looked at again in the near future. We do not hesitate in sitting late next week and this evening in order to deal with the legislation before we rise, but we do wish this government, for once, would keep to the parliamentary calendar which was negotiated between all three parties during the late 1980s.

The Deputy Speaker (Mr Gilles E. Morin): Any further debate? Are you ready for the question?

Mr Charlton moves motion number 21. Is it the pleasure of the House that the motion carry? Carried.
1510

Hon Brian A. Charlton (Government House Leader): Just before I call the next order, I believe the three House leaders have reached an agreement with regard to the first order, Bill 8, that we will commence the debate on that item now; that the debate will be limited to two hours and five minutes—

Mr W. Donald Cousens (Markham): More restrictions.

Hon Mr Charlton: —this is an agreement between the House leaders—that five minutes will be available to the minister for her opening statements; that each of the opposition parties would have one hour on this debate; and that we would then end the debate and move immediately to the vote on third reading. I seek consent for that agreement.

The Deputy Speaker: It was agreed? Agreed.

Hon Mr Charlton: I assume somebody's getting the minister. The parliamentary assistant's here. Are you going to do the opening? It's very short; you only have five minutes.

ONTARIO CASINO CORPORATION ACT, 1993

LOI DE 1993 SUR LA SOCIÉTÉ DES CASINOS DE L'ONTARIO

On behalf of Ms Churley, Mr Duignan moved third reading of Bill 8, An Act to provide for the control of casinos through the establishment of the Ontario Casino Corporation and to provide for certain other matters related to casinos / Projet de loi 8, Loi prévoyant la réglementation des casinos par la création de la Société des casinos de l'Ontario et traitant de certaines autres questions relatives aux casinos.

Mr Noel Duignan (Halton North): I understand the minister will be here very shortly and maybe she will conclude some of the remarks that I have to make.

Again, I'd like to go on record and particularly thank

all the members of the committee who participated in the public hearings, whether they were held in Windsor, Sault Ste Marie, Toronto or, indeed, in Niagara Falls. We had a very lively discussion and anyone who had a brief was heard at these particular hearings.

I want to thank the members of the opposition for the very constructive suggestions made to improve Bill 8. Indeed, we've listened to the members of the opposition and we have accepted a number of their amendments to the bill.

Again, I want to thank all the people who participated in the public hearings for bringing forward their suggestions on changing and amending Bill 8. The public hearings demonstrated there was indeed wide support for Bill 8 in the province.

I understand the minister has now entered the chamber and is willing to conclude my remarks.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): Mr Speaker, I apologize for being late. I got caught in a scrum out there. You know how long they take.

I just wanted to take the opportunity to thank a whole bunch of people who have been involved in this process. I certainly want to thank my parliamentary assistant, the member for Halton North. I believe that without his assistance we wouldn't be finally here today for third reading of this bill. He did a very good job in the committee and certainly carrying the whole bill through the committee process.

I also wanted to thank the opposition critics, who at times were very positive and at times somewhat negative, but I believe overall displayed quite a knowledge of casinos and were quite helpful to the whole process.

I'd like to thank all of the people who came out through the committee process and spoke to us. I believe that many of the comments you made were quite instrumental in some of the changes that we made, and we appreciated your coming out to speak to us.

I certainly would like to thank the three members from Windsor, who have been supporters of this project from day one and have worked very closely with us to make sure that Windsor was always consulted throughout the process.

Last but not least, I'd like to thank the members from the project team which was formed shortly after the announcement in the budget, who have worked very hard to gain knowledge and to pull this project to where it is today. They've worked day and night, sometimes seven days a week, to bring us forward to this extent, and I want to say how much I appreciate the work they have done.

Today we're going to hopefully vote and pass third reading on this bill. I believe the input that the members gave has been very important to the progress of bill. I believe this casino will be good news for the city of Windsor in a whole variety of ways that we have mentioned.

I would now like to close and again thank everybody. I look forward to hearing the final comments from the opposition today.

Mr Robert V. Callahan (Brampton South): The minister says she's interested in final comments. She tells us that we're finally going to vote on this today. We're going to vote on it because the government has time-allocated it. They're forcing it through.

I think this is a dark day for Ontario. We are going to change the entire face of this province by creating casinos. Some of the articles in the press would lead one to believe that there already are thoughts in the government's bellows and their dark rooms of creating either a larger casino in Windsor or further casinos around the province.

I don't think this government has even taken a look at the tremendous impact this is going to have on charitable organizations such as Big Sisters, Big Brothers, any type of charitable organization that requires fund-raising by reason of, perhaps, the existing lotteries that we have. I don't think they've even looked at that. In fact, this is going to place them in very serious jeopardy.

Many times in this House I've said the Big Sisters, in looking at their financial statements in my community, show \$147,000 through Nevada tickets. You can bet that once the first slot machine is installed in Windsor, and the many thousands after that in places around this province, that \$147,000 will no longer be there. That very worthy cause, and many others, will be denied the opportunity to achieve their ends by volunteer efforts from people who work very hard to try and help out the cash-starved government in terms of looking after these operations.

I say shame on the minister. I say shame on this government. What you're doing is turning on your very principles. You're taxing the poor. These are the people who are going to be in those casinos; those and the people perhaps over from Detroit. I'm not sure that we want to attract necessarily what's happening in Detroit. The whole opportunity that's given to the casino provisions is in fact to make it even greater and larger than it was to start off with.

I have to say to you that this bill is going to have a devastating effect on this province. We won't see it at first. We won't see it perhaps for the first couple of years. But I guarantee you that this is taking a turn in the road that is going to have devastating effects on this province.

There are people out there who have spoken out against this bill. There are people out there who have said that this is not the approach to take in Ontario. Yet despite that, the government is pressing on with the bill. In fact, they've time-allocated it so that we're prevented from debating it further.

We also are waiting, and I'm not certain whether the announcement has come down yet, as to who is going to be the successful bidder on this project. It's been determined or at least speculated in the press that it will be one of the four or five large casinos that occupy places like Atlantic City and Las Vegas. Well, I don't think the people of Ontario are necessarily interested in having people here who are going to be on a Las Vegas or Atlantic City style.

1520

One just has to take a trip to Atlantic City to see exactly what's happened to Atlantic City. You don't dare stroll anywhere outside of the boardwalk lest you wind up being mugged. If that's the type of situation we want to create in the city of Windsor and in other places, other communities that are fine, upstanding communities in this province, then that's what we're doing by this type of legislation.

I have to say on behalf of the residents of my community, many of whom have spoken to me, that they are totally opposed to this type of legislation. They're totally opposed to this type of taxation, of gathering revenue. They're totally opposed to the fact that you're taking away from volunteers, as I said when I started, those people who have worked so hard in bingos, in selling Nevada tickets and so on. They're taking all of that away. That voluntarism will fall by the wayside and they'll be beholden to this government.

I certainly hope that the machiavellian attempt by this government will not have strings on it, so that when funds are sought by these very worthy causes in our province, they're not told, "Here's what you've got to do to get it. You've got to come begging," or you've got to do this, or you've got to follow this rule, or you've got to follow that rule. If that's what's taking place here, then I would suggest that's absolutely outrageous. I guess we'll have to wait to see if that in fact is what does take place.

The minister, I note, has delivered her oration on the bill. I hope her parliamentary assistant is in the House, because the minister has left.

I'm going to end where I began: This bill is going to be revisited in about two years, and I think the people at that time will see just what kind of devastating effects this type of enactment, this type of public policy, will have on this province.

Mr David Tilson (Dufferin-Peel): I think the most shocking thing about this whole exercise is the time allocation that's been forced on us this afternoon. There's no question that the House leaders have come to an agreement, but at every step of the way we've reached a time allocation process; a time allocation when we've had concerns from the horse racing industry, the police, charities, all kinds of groups that have protested through petitions and presentations to committees and put reasoned arguments forth that perhaps the government not only is wrong in doing what it's doing but hasn't properly researched the process.

It's a sign of desperation. I know exactly what this government has done. This government has looked at other jurisdictions and has for some reason come to the conclusion that everybody else is getting into gambling, whether it be in Quebec, whether it be in the US or whether it be the province to the west of us, Manitoba, and therefore that it's time that we got into gambling, notwithstanding the general philosophy of the New Democratic Party in the past with its comments with respect to gambling and lotteries. There's no question, I suppose, that this government could look at the Progressive Conservative Party with respect to lotteries, but I do

remind the members, because this is your last chance to rise up from that hierarchy of the New Democratic Party which has put forward this philosophy of saying that the solution to your woes is gambling casinos.

There's no question that you can look to statistics in the United States of where revenue has been successful. One such state, I believe Central City in Colorado, opened up a gambling casino in 1991 and it did increase tax revenues. So there are facts that tax revenues increased. I'm sure that's what the government is looking for, although I have yet to see reports tabled to show exactly why it's doing this, what the philosophy of doing this is, specifically when we have a former Attorney General who made a very complex report to the federal government in his days as a law student—albeit a law student, but it was a complicated report and a very detailed report—which said that every jurisdiction in the world that has introduced gambling has had great problems with respect to gambling and other social costs, whether it be the compulsive gambling problem or the criminal problem. Every jurisdiction has had this.

So the statistics given, for example, of Central City in Colorado, where the casinos opened in 1991, show the tax revenues were increased, but at the same time, I emphasize—and this is just one jurisdiction—the city debt ballooned four times due to higher policing and other municipal costs. It ended up being a loss.

If the whole concept of this process is not to give people necessarily what they want, and I have yet to hear of the issues that have been put forward by our party and others in opposition, why not hold a referendum on this topic? It is a very contentious subject. Why not have a referendum? Well, this government seems to see fit that it shouldn't have one.

I will say that Ontario's casinos that are being planned are coming at a time when the United States is suffering from a glut. In other words, the whole concept of putting this casino in the Windsor area is to encourage Americans to come across the border and gamble, and hopefully to shop and to buy our wares, notwithstanding the fact that our taxes, federal and provincial, would preclude them from doing that.

There are more Canadians, more people from Ontario, going across the border to shop than there are Americans coming across our border to shop. There may be other reasons why Americans come to our side, but it's certainly not to shop. So that is a fallacious argument, that Americans are going to come over and improve our economy from buying our wares, buying in Ontario and buying specifically in the Windsor area. I don't accept that argument.

The other issue is that because of the type of product we're going to have in the city of Windsor, that's being proposed in the city of Windsor, it's going to encourage Americans to come across our borders to gamble in the province of Ontario, specifically in Windsor.

When I have listened to what is being planned for the city of Windsor, the type of facility that is being planned, and compare it to that in the United States, why would they come? Why would the Americans come? Not even that: Why would they still not go to Nevada? Why would

they still not go to Atlantic City, with all of the glitz and the entertainment and other matters that surround gambling? Why would they not do that? There are people in this province now who like to gamble, there's no question. Are they going to fly or drive to Windsor when they can get package flights to Las Vegas and Atlantic City at much less cost? Why would they do that?

I think that's the major criticism we in the opposition put forward with respect to this whole plan: that it hasn't been planned out. It's a desperation move to obtain revenue for the woes of the province of Ontario. I simply say to you that it hasn't been thoroughly planned out and it will be a tragedy if you spend all of this money and it doesn't accomplish what you want it to do, and in fact turns out to be worse.

Not only that, but it adds to the woes of the city of Windsor, with police problems and other social problems that you will not have the revenue to deal with. The police from Windsor have commented that they are gravely concerned about the projected police protection that's going to be required in Windsor as a result of gambling casinos.

At the same time, casinos are legal in 20 states now—Colorado alone has 100—and yet, as I say, Ontario hopes to draw many Americans as customers. At the same time, of course, there are all the individuals who are bidding in Windsor to have the US connections.

So I can tell you that the planning process has much to be desired. Not only that; as I say, the fact is that casinos, whether you look at Atlantic City or Colorado or other places that have casinos in the United States, have a sorry record of causing crime and corruption, ruinous gambling addiction and untold social costs within these other jurisdictions.

The government of Ontario first announced the creation of casinos in last year's budget, and I remind you of the philosophy of the government, the philosophy of the NDP. There was an uproar in their caucus. Now they've all been whipped together, with the exception of the people like Mr Drainville, of course, who's gone off to other things. But there's no question that people like Mr Drainville objected publicly. In fact, I believe he resigned from the government on this issue alone, saying that the Rae government had no mandate to launch gambling casinos. This is what is being said by the charities, by the agricultural community, by the racing community and by others in this province: that you didn't have the mandate to do what you're doing.

1530

To quote Bob Rae, the Premier of this province, at an earlier time: "Casino gambling is like most forms of gambling. It's just another tax on the poor." I will tell you, it's a sad moment, particularly when we have insufficient debate in this House, when we're being allowed a limited amount of time to speak on this whole topic.

Editorials and the media have come all across this province condemning the government for what it's doing. The churches and other religious institutions of this province have expressed their concern with respect to the whole issue of the morality. The agricultural community

has expressed the projected number of jobs lost in related activities in the agricultural community, whether it be in feed or horse racing. Horse racing has spent a considerable amount of time trying to persuade this government that you are proceeding the wrong way, that it's going to be devastating to the agricultural community and devastating to the horse racing industry.

The big question, I submit, is the question of crime and all the related matters that come with gambling. Jurisdiction after jurisdiction, whether it be in the United States or any other jurisdiction in the world, have clearly put forward facts that express concern on this topic.

As one columnist in the media once said, "Has Bob Rae married the mob?" I don't know. It certainly seems to be the question that will continue to be raised at the public hearings into casino gambling. The Windsor police chief said organized crime has already set its eyes on Windsor, which is the home of Ontario's first casino. The Minister of Consumer and Commercial Relations, Ms Churley, says, "Oh, there won't be any problem; there's no problem with respect to gambling casinos, there's no problem with respect to crime," notwithstanding the warnings of the police chief of Windsor and the police chief of Peel region. It is a sign of desperation.

In July, a Washington DC official mentioned that his city was thinking of approving casino gambling as a way to raise money, that the idea was seized on with such enthusiasm that it had become a priority and a city official offered to give 70% odds that the proposal would become a reality. That's the sign of a similar desperation. When you're in bad times, you turn to gambling. What a strange philosophy for a government to take. When you're in bad times, when you're going into debt, you turn to gambling, you turn to something that has had great social problems, whether it be for the compulsive gambler or whether it be for crime and all the other related matters. What a strange philosophy. What a strange way to raise money.

If you'd come along and said: "The people of this province like gambling. We have taken referendums throughout this province, we have consulted, and the people of this province like gambling"—I would have hoped that the first thing you would have done was determine how you're going to implement it, not just say, "We're going to have a site in Windsor and we're going to have four other sites around this province at specified sites," and you haven't really said that yet. That's been sort of a rumour, but it's predicted that you will. What a strange way of going about it.

There have been no specific studies tabled by this government other than the references that the members of the opposition have put forward about other communities, other jurisdictions where problems have existed. What a strange way, to go about and simply say the bright idea of raising money is to have a gambling casino. There has been no discussion that I know of, no concrete proposals to deal with what we know is the guaranteed problem of the compulsive gambler.

Your government, the NDP government, when you were in opposition was gravely concerned with the whole topic of the compulsive gambler. You said there aren't

enough institutions around our province to deal with the compulsive gambler, yet you're now going to do something that's even more extensive, the gambling casino, and you're not dealing with that topic. You know it's going to come.

When you put statistics forward about the tremendous amount of tax revenue you're going to make for this province—and you may well, although somehow I doubt it, if you're going to have a gambling casino across the border in the United States. Aside from that, the aboriginal peoples are introducing gaming into Ontario. They're holding conferences. They held one in August: "Announcing the Union of Ontario Indians Gaming Conference and Expo: An introduction to gaming in Ontario, training, suppliers, financing structures, jurisdiction, security systems, management systems, economic and social impacts."

There are all these other areas of gambling. Do you really think you're going to have the monopoly on gambling? I believe there's still going to be a whole pile of people in this province who are going to say: "What a joke. Who's going to go down to Windsor? I'm going to get on an airplane and I'm going to go to Las Vegas where I'll have all kinds of better facilities, better hotel facilities, better entertainment, better glitz." You may say that's a bad thing, but that's what people are doing. I have a lot of grave concerns.

There are other members of our party and other members of the opposition who wish to speak, so in concluding my remarks, I will only say that I am dismayed at the way this government is ramming it through. The member for Parry Sound I believe is quite right. Why are we doing it today of all days, when we know there's a court action coming up in Windsor to expropriate land? What a strange, suspicious thing to do. The whole plan is suspicious, and I would recommend that members of the government rise up against your masters in the front row and vote against this bill.

Mr James J. Bradley (St Catharines): I too want to rise in opposition to this bill. We're dealing with third reading, unfortunately. It's very unfortunate, because I think there's a lot of debate and discussion that could have gone on further to this to provide information to people about the consequences of the Ontario Casino Corporation Act passing.

It is interesting that the government, first of all, is dealing with this today. I suppose they have it within their power to deal with it any day they see fit, but it is most discouraging to see that it is being rammed through today so they can avoid some rather embarrassing circumstances that will arise in terms of a court case on Monday.

In addition to that, I notice they have delayed the announcement of this until 3 o'clock tomorrow, Friday afternoon. If you think of it, the Windsor Star is the newspaper which is most affected by this. There aren't many newspapers in Ontario, members should know, that send somebody to cover Queen's Park. Many of us live in communities where there's very little coverage of Queen's Park unless it is done through Canadian Press or through Thomson newspapers or one of the other chains.

The Windsor Star takes the time, whether one agrees or disagrees with what's written in the Windsor Star over the years by the columnist or the reporter. The Windsor Star and the Ottawa Citizen and it used to be the Kitchener-Waterloo Record and the London Free Press—there are very few that now send reporters to Queen's Park to cover the important events that might be taking place here.

I find it unfortunate that they would wait until Friday afternoon at 3 o'clock so that the story, by the time it appears in the Windsor Star on Friday—in this case it's going to be Saturday—will be a stale story. I would have thought, with the coverage of this particular issue, that the people of Windsor would want to be able to read about it in detail as soon as possible after the announcement was made.

Some people may think it's a minor quibble. I say it in the context of not many newspapers covering the Legislature, and this discourages newspapers even more, I think, from covering what happens in this chamber as opposed to perhaps the federal chamber.

In terms of this bill itself, I've had the opportunity to speak on certain other aspects of the bill. I've quoted some things about the bill from I think reasonable authorities. The member for Brampton North has made several compelling arguments both in this House and in committee. I was talking to one of my constituents, who is in the municipal field, who was saying he had a chance to watch the member for Brampton North the other day speaking at some length on this legislation and was very impressed with the detailed knowledge he had of the issue as the Consumer and Commercial Relations critic of the Ontario Liberal caucus and said he made some excellent points that should have been taken into consideration.

1540

My great concern is that this is going to continue to happen all over. I was just glancing through the clippings we get. An article today talked about casino gambling. I think it was by Robert Sheppard of the Globe and Mail, and I thought he made some very, very good points about this, points that have been made in this House before.

But let's face it, just as with photo-radar, it is largely a bill concerned with getting revenue for the government. I understand the government's need for revenue. That is what this is seen as. This is seen as a panacea in terms of getting more revenue for the government. It's seen as a painless way of extracting funds from the constituents, because people obviously don't want to pay tax.

I thought what was most revealing was when my colleague from Brampton North was able to get some information about a meeting that took place. The OPP, by the way, went out to investigate this government leak once again. Instead of investigating crimes, they were sent on a chase after members of the opposition and anybody in government who might have been prepared to leak this.

What the document said—everybody looked at a lot of different things about it. One thing I remembered was that the professor from Nevada who's the all-time expert on this said that you're not aiming at the high rollers with this in Windsor; you're aiming at people who don't have

much money, people who are down and out and want to take a chance and sometimes will win. Sometimes they'll win.

But that is what the New Democratic Party has stood against all of its life, and that's important, because the reason people are disillusioned is that they may have said of the other parties: "You know, the Conservatives and the Liberals, we've seen those people in power. They have moved their positions around and we kind of expected that, but the NDP was always a party of principle."

I say this in a very serious sense. If there's one thing you could count on the NDP for, you thought, it was that it had principles. You might not agree with them, and I didn't agree with some of the policies and principles enunciated, but one thing is that you could count on them to live up to those. That was the tradition of the old CCF, the predecessor of the NDP. That brings a smile to the face of the member for Chatham, because he would remember and is reading some of the statements made by those people in years gone by.

I would have thought that the NDP would stand foursquare against casino gambling, which was really geared to the lower-income people.

I must say it is very attractive to try to make some money out of casino gambling. As long as you're the only game in town, you find out that you can be somewhat successful. When you're no longer the only game in town—and you won't be for long—then you don't make an awful lot of money.

I thought Robert Sheppard in the Globe and Mail, under the title of "Profitable Gambling? Don't Bet On It," made a good case, and I thought Tom Walkom had made a good case. They write all kinds of articles, I understand that, but he says here—I'm going to quote this, because I think it's extremely important. It's written on the eve of this bill being slammed through the Legislature. He writes as follows:

"A year ago, when Ontario pronounced itself ready for casino gambling, the government said it did not want any 'Las Vegas-style casinos' in the province.

"But when Consumer Minister Marilyn Churley announces the big winner of the casino sweepstakes—tomorrow, I'm told, in Windsor, the site of the new facility—she will be choosing from among four of the biggest gaming operators in the United States.

"Smaller, more local proponents have been swept aside in the selection process. The four finalists all own huge casinos in various US cities as well as within a couple of garish blocks of each other on the Las Vegas strip.

"What's more, the proposed new Windsor casino—a \$200-million-or-so hotel complex with about 75,000 square feet of floor space—will rank right up there with the biggest of the Vegas showcases. That is, until some new kid on the block comes along.

"This, of course, is the very nature of gambling: in for a penny, in for a pound. Before you know it you've got bigger and bigger casinos, and usually a reduction in the high standards that were set to govern the operation in the first place.

"Quebec is discovering this universal law of the gaming business as well. No sooner had the doors opened on its \$95-million casino and gourmet restaurant last month on the old Expo site in Montreal than the province was announcing a \$75-million expansion and the likelihood of a second wagering palace farther down the St Lawrence at the Manoir Richelieu resort.

"The government said the Montreal casino is being expanded because it is doing so well. (How could it tell that after only a couple of weeks?) But the real reason is that the big tourist operators were telling the government that one casino is not enough to attract the serious gambling crowd. And of course the government saw its own cherries lining up in a row, in the form of increased tax revenues and a skim of the profits.

"This same sort of boom (and bust?) took place when riverboat gambling made its comeback in 1991, in Iowa of all places. Examining this phenomenon, Globe and Mail reporter John Saunders reported on the town of Fort Madison, which thought it might get a piece of the action from the riverboats now plying the upper Mississippi. So it spent \$2.6 million, most of it borrowed, to build itself a fancy dock for the Emerald Lady.

"This worked for a time, until the neighbouring states upped the ante. Good-natured Iowa had set strict rules about drinking and betting limits. But when others didn't adhere to these rules, the riverboats just raised anchor and moved to more convivial harbours.

"It is hard to imagine a similar chain of events not taking place in Ontario. The provincial government says it is contemplating only one casino in Windsor, a special case because of its poor economy (though six other sites have been considered). It also says it will have strict rules about alcohol and entertainment on the premises, as well as about workplace standards and hours of operation.

"But what happens to all these good intentions if a more free-spirited competitor opens up across the river in Detroit? Already a couple of Detroit businessmen are proposing a similar high-stakes casino on land owned by a Michigan native band to get around the state's anti-gambling laws.

"Even if this tactic doesn't work, it is hard to see Detroit's city fathers just sitting back and watching their entertainment industry wither while Windsor puts up the neon. If Windsor is going to have a casino, Detroit will have one. If St Catharines, then Buffalo. Bet on it. (Though this tit-for-tat could well keep each city's pimps and petty crooks on their own respective sides of the border.)

"Pretty soon there will be casinos and slot machines within a couple of hours' drive from all the major cities in southern Ontario (and Quebec). Then you won't have a tourist draw any more that will add to the local economy. Your gamblers will be mostly locals, betting their hard-earned pay while the house—the quick-handed Las Vegas operators—takes its money and runs."

That's my concern. That capsulizes, I must say, my concern about these casinos. Eventually, they're just going to be after the local people, the people who don't have much money. All of us who have gone into corner

stores and watched people buying the lottery tickets know that many of the people buying the lottery tickets are people who don't have much money. They're spending \$20, \$30 and \$40 on lottery tickets because they're desperate, because they want to make it in one big chance, and that's who the gambling operators prey on: those people. I'm very concerned that's going to happen in Ontario.

You can always sell this. If you come to any community and say, "Look at all the jobs," a lot of people will fall for it immediately. That's an easy way of doing things. But I think you have to look at the long-term effects, and I think you have to look at the case as well that once it's established, it won't be torn down.

This is the chance to stop it. Once it's in operation, it's very hard to take away. It's easier to withhold the candy from the kiddies than it is to take the candy back from the kiddies, if you ever have to deal with children in any case.

I know as well that the argument is very valid about organized crime following casino gambling. Wherever we've had casino gambling, we've had organized crime establish itself. That's not what anybody wants to see happen to their communities.

If governments want to put forward programs and expenditures, they should be prepared to tell the people about them; that if the people are acquiescing to those or agreeing with them, then there's a tax assessed for those purposes. If people can see they're getting value for their money, they are prepared to pay that money, but all we're doing here is essentially putting a tax on the poor and those who are addicted to gambling.

1550

If we think that alcoholism is bad—it is—there are also people who are involved in another addiction, and that is addiction to gambling, where the paycheque ends up going on the casino tables out there, around the roulette wheel or where the poker game is going on, the blackjack games. I am extremely concerned that this is the case.

We've had petition after petition in here, some of them from the former member for Victoria-Haliburton, Dennis Drainville, who felt very strongly about this particular issue. Whether one agreed with him or disagreed with him, I think one could say he had certainly a great deal to say about this issue. He even brought in from Nova Scotia an individual from the Conservative caucus who had left the caucus over the same issue.

You can be assured, members of the assembly, that with casino gambling, slot machines will be right behind. People will be putting even more of their money, not into something productive, not into buying the products of Hamilton and St Catharines and Sault Ste Marie and Cambridge and other places, the products produced by workers in this province, but rather simply throwing their money down on the table or into a slot machine and hoping that somehow they're going to strike it rich.

That is not good public policy, in my view. It is not good long-term policy. It will generate for the government, in the short term, a good deal of cash which the government can then use to try to allay its debt. But we

must also look at the medium and long term in dealing with these issues.

I'm going to be very interested in the comments that will be made by the member for Brampton North, who has carried this issue for the Liberal Party, both in this House and very ably in committee. He's had a few amendments. One amendment that sticks in my mind that was so important and so reasonable was the amendment that called for the government not to have to assume any of the debt which would result from a failed casino. It was wise counsel and I look forward to the wise counsel of my colleague from Brampton North, Carman McClelland, when he addresses this House later this afternoon.

Mr Ernie L. Eves (Parry Sound): I would like to participate in this third reading debate very briefly this afternoon, because there are other members of the Legislature who would like to get their comments on the record.

I think we have to understand, first of all, as I tried to point out in question period this afternoon, the reason why we are debating on third reading, in a time allocation motion, Bill 8 today, it being December 2, 1993. The reason why the government is shoving through this legislation today is because it happens to be the last day that the Legislature sits before the celebrated court case in Windsor resumes on Monday, December 6. Numerous government officials have said as much, even though the minister couldn't bring herself to admit that in the Legislature this afternoon.

Why is that date so important to the government? one may ask. The reason why it's so important to the government is that one of the government amendments to the bill in section 19 is that it's going to dispense with subsection 10(2) of the Expropriations Act of Ontario in its application to the Windsor casino site.

Now, the minister says, "We're not amending the Expropriations Act." She's quite right. That would have been the honest, upfront way to deal with the situation. But the government chose to sort of sneak around through the back door, not wanting to amend the Expropriations Act but still wanting to take away individual property owners' legal rights. So what they did is they proposed to amend a bill called the casino bill. They're amending that bill and they're putting a section in it that says, "We don't care what section 10 of the Expropriations Act says; we don't care what legal rights these people had when this expropriation procedure started"—pardon?

Hon Gilles Pouliot (Minister of Transportation): If elected, you will shut it down. Make that pledge.

Mr Eves: No, no, no. You see, now the Minister of Transportation interjects, "If elected, will you shut the Windsor casino down?" Again, the government members have totally missed the argument that the opposition members are making about these amendments. We're not arguing against the casino in Windsor. We're not even necessarily arguing against casinos. What we are arguing against, the point we are making, is that we are against a government that comes along and strips away somebody's legal rights, and they do it knowing there's a court case that's going to resume on Monday morning and, heaven

forbid, the city of Windsor might lose or the city of Windsor may have to spend more money. They may have to actually pay what the property's worth. Isn't that a terrible thing?

That's what the Expropriations Act is for. We're not living in a state here where any dictator can come along and take somebody's property and not pay them fair market value. We happen to live in a democracy. People have legal rights. When you take or steal their property you have to pay for it. It's called democracy; it's called rights, something that apparently this government doesn't want to understand with respect to this particular piece of property on this particular issue. That is what we are ticked off about over here.

People—I believe 18 individual land owners in the city of Windsor—are going to have their property expropriated despite the fact that the property isn't zoned for a casino; despite the fact that the current zoning bylaw in Windsor says you can't even have a bingo hall on this piece of property; despite the fact that there is no official plan in the city of Windsor that permits a casino here; despite the fact that sections 34, 37 and 38 of the Planning Act say you have to do all that to legally do it; despite the fact that section 10 of the Expropriations Act says those 18 land owners have the right to be reimbursed for the fair market value of the property the city is taking from them; despite the fact that the city hasn't zoned the property for the use for which it wants to use it; despite the fact that section of the Expropriations Act says those land owners have three choices as to the date they pick—they pick—at which their lands are to be evaluated, this government's saying, "We're taking away all those rights from those 18 land owners because we made a deal and we don't care if it's legal or not under the Planning Act, we don't care if it's legal or not under the Expropriations Act; we're ramming this thing through this afternoon before the court case resumes, because the city might lose its court case if we don't." That's what this is about.

I want members over there to understand what this is about and what they're doing because I don't think they do understand. The comment from the Minister of Transportation obviously indicates he doesn't understand. He thinks we're against the casino in Windsor. No; we're against a Gestapo tactic ripping away somebody's property rights retroactively. That's what we're against and that's what he apparently is prepared to vote for.

I can't believe that the party of Elie Martel is going to stand here today and retroactively strip away somebody's rights under law. I can't believe that is happening.

Hon Mike Farnan (Minister without Portfolio in Education and Training): On a point of order, Mr Speaker: I think all members of the House listened to the member of the third party very carefully, and to make reference to Gestapo-type tactics etc is very unbecoming to a member of the calibre and experience of this member of the House.

Mr Eves: I'd be happy to withdraw the word "Gestapo." "Dictatorial" perhaps is more appropriate. "Fascist" perhaps would be a better word as well.

The Deputy Speaker (Mr Gilles E. Morin): The

member for Parry Sound, you came from a good to a bad, a bad to a good. You did it so well.

Mr Eves: Okay, Mr Speaker, I withdraw the word "fascist." Dictatorial, is that suitable? Dictatorial.

Mr Murray J. Elston (Bruce): That's pretty good. Draconian.

Mr Eves: "Draconian": That's an even better word, I guess.

Mr Elston: Machiavellian.

Mr Eves: They didn't like "machiavellian" this afternoon. Anyway, that's what this debate is about with respect to section 19 of the bill.

Why won't you let these people have the rights they already have under section 10 of the Expropriations Act? All it requires is for the city to pay them fair market value for the property on the date on which the city served them with notice under the Expropriations Act. That's all you have to do. What's wrong with that? Don't you want to pay these people fair market value for their property? Is that what this is all about?

We ask these questions; we don't get any answers from the government. I think we all know why this legislation is being proceeded with today, and hopefully we know what the government is doing to these people, because that's what the government's doing to these people by amending section 19. It's interesting that that language wasn't in the original bill as drafted.

1600

Another very important issue that opposition members have had with respect to Bill 8 as it is drafted—and there again, a lot of people are under the misconception or apprehension that this bill is just about the Windsor casino. It is not. This bill is about establishing casinos anywhere in the province of Ontario at any time, now or in the future, and it will be used for any other future casinos established in the province. There is only one small section, I believe, section 19 in part III of the bill that I was referring to, that deals specifically with the city of Windsor. The rest of the bill, the overwhelming majority of the bill, deals with nothing but casinos anywhere in the province and how they are to be implemented and effected by any government in the future.

Another section that my friend Mr McClelland made an amendment on, and I'm sure he will speak to it later, was with respect to asking the province of Ontario, or Ontario taxpayers, to pick up the tab for any operating deficit or liability that any future casino may have in the province of Ontario. It's interesting to note that throughout some rather lengthy hearings with respect to this piece of legislation, the government was asked on numerous occasions if the Ontario taxpayer would ever be liable for the operation of a casino in Ontario now or in the future. The deputy minister said unequivocally, "No, never"; the assistant deputy minister said unequivocally, "No, never"; the parliamentary assistant said in this House, in committee of the whole, "No, never." It's funny, but they wouldn't accept the honourable member's amendment to put that into the statute. Pardon us if we are a little bit leery over here on this side of the House.

Finally, after asking in committee, in committee of the

whole, in question period, in second reading debate, I asked the minister in the House one day that pointed question and she finally eked up enough courage to say: "Yes, that might happen. That is why we will not accept the amendment. The Ontario taxpayer may be on the hook in the future for some different type of casino operation that we may want to implement at a future date, where the province itself would run the casino or would have a different operation agreement with whoever was running the casino." We may in fact, as Ontario taxpayers, in the future be on the hook for any operating losses, liabilities or deficits of a casino somewhere in the province of Ontario.

It's easy to say that casinos will always make money, but that isn't the case. Anybody who's ever been to Las Vegas knows that some get bigger and bigger and others die and go bankrupt and lose money. The more you have in the province of Ontario, the more likelihood that there will be at least one somewhere that will lose money. If you ask the Ontario people if they're in favour of casinos if they might be on the hook themselves for any losses, I think you might get a lot different answer as to whether or not they want casinos, if they thought they might have to pick up the tab for any losses.

That brings me to another subject. During the committee hearings and during committee of the whole, we on this side of the House asked the government if it would not entertain the thought of putting whether or not casino gambling is to be legislated in the province of Ontario out to referendum, either on a province-wide basis or on a municipal basis. In just about every other jurisdiction in the western world where there is a casino, the public in that jurisdiction has been asked whether it wants it or not.

Even in the United States of America, the country that this government quite often is not too complimentary about, even there their idea of democracy apparently is a lot more benevolent than here in the province of Ontario. For example, in the state of Michigan, the people in the Detroit area have been asked four times whether they want casino gambling. In just about every state where they have casino gambling, the people have been given the opportunity to decide for themselves, either on a municipal or a state-wide basis.

Now the minister says, and she said in debate several times, that this is Canada, that this is different, that we don't believe in referendums. That's funny. Her Premier and all the other premiers and the Prime Minister of Canada and every political party in Canada of the traditional three, it seems to me, participated in a nationwide referendum and spent millions upon millions of dollars finding out what the people of Canada thought about the Constitution. But the minister says her government doesn't believe in referendums. I find those two things a little bit inconsistent. They believe in referendums when they want to have them, but they don't believe in referendums when they don't want to have them.

The minister says the people of Windsor are 1,000% behind this project; there's no doubt about it. Then why won't you ask them? Why won't you give them the opportunity to have their say? I wonder if the people of Windsor would entirely be in favour if they thought they

might have to pick up the tab if this thing loses any money. I think you might get a different answer than if they don't have to pick up the tab.

There were a lot of concerns that were brought out by various members and by numerous interested members of the public who appeared before the hearings all across the province. The member for St Catharines, I think, alluded to a few of them earlier. One of them is getting enough protection to keep organized crime out of the operation of casinos. We have heard all kinds of statistics and information about New Jersey-style casinos, for example.

Despite the fact that Coopers and Lybrand, the consultant that the government hired at some quarter of a million dollars to do the background about the economic impact of casinos on the province of Ontario, seems to think that New Jersey is the mecca and the be-all and the end-all—

Mr Stephen Owens (Scarborough Centre): Oh, New Jersey.

Mr Eves: —that's what they said—of how to control casino operations, it seems to me—

Mr Anthony Perruzza (Downsview): Have you been on the boardwalk?

Mr Eves: Yes, I have been on the boardwalk, and I'll tell you one thing: I don't want to see that happen to the province of Ontario. There are a lot of people who appeared before the committee who don't want to see that happen to the province of Ontario either. I wouldn't be too proud, if I were Coopers and Lybrand, of New Jersey's track record in keeping organized crime out of casino operations. If that's the model for the province of Ontario, we're in deep trouble indeed in this jurisdiction.

We even raised questions in committee about some of the witnesses that Coopers and Lybrand had relied upon as so-called expert or professional witnesses, some of whom, it would appear, if the names are the same, may have some very direct involvement in organized crime indeed. But they couldn't seem to answer those questions in committee or didn't want to answer those questions in committee.

Hon Ms Churley: You never listen, Ernie.

Mr Eves: I did listen. I'd be more than happy to get out the Hansard of that particular day in the committee, which we had to get, by the way, by a freedom of information request, because the information was not too readily forthcoming from the ministry.

We have a list of all the consultants that this government has employed and how much they have been paid with respect to the casino gambling legislation in the province of Ontario. They range generally anywhere from about \$9,000 to a quarter of a million dollars. Two firms have made at least a quarter of a million dollars out of this: Davies, Ward and Beck, barristers and solicitors, and Coopers and Lybrand.

1610

We had a rather interesting and somewhat I presume embarrassing incident for the minister when she was asked in the Legislature on several occasions about the role of one Dr Eadington with respect to the casino project. Initially, I believe—I'm sure she'll correct me if

I'm wrong, and I'm paraphrasing here—she indicated that Dr Eadington was just one of many people they were consulting about casinos in the province of Ontario. Well, that's true. He is one of many, because there's two pages of all the consultants they paid, most of whom would average about \$25,000 a pop.

Then she said, in a response to a question asked by my leader, that Dr Eadington wasn't paid. We were led to believe that he was doing this out of the goodness of his heart: He was trying to help out the province of Ontario, advise them about casinos.

Now we find out that Professor William Eadington, of course, professor of economics, director of the institute of gambling and commercial gambling at the University of Nevada—and of course this is the government that said we'd never have a Las Vegas-style casino: never, never, never in a million years. "Not us. Not the NDP government in the province of Ontario." Guess who the final four are, one of whom will be announced conveniently tomorrow, Friday, when the Legislature isn't sitting, at 3 pm? How forthright and honest and direct of this government to do this on a Friday at 3 o'clock, conveniently after the day we ram this down people's throats, conveniently three days before the court case resumes, conveniently so we can take away all these people's property rights.

To provide information regarding the casino industry, major firms in the industry and their management policies, particularly regarding social issues, Dr Eadington was paid by this government \$24,800. So he wasn't doing this out of the kindness of his heart after all: He got 25 Gs stuck in his back pocket to do it. Not only that, but he was to provide information for the team choosing the finalists, and ultimately the successful bidder, on the casino industry, major firms in the industry and their management policy.

Boy, you should see minutes of a meeting that we asked the minister several questions about during question period at which Dr Eadington was present as the consultant advising the government. You should see the list of the nine proponents and his summary or his presentation documented in the minutes of the meeting as to what he thought of each of the nine proponents. Surprise, surprise. The final four were all huge Las Vegas-style casinos.

Mr Bradley: Not Americans.

Mr Eves: Oh no, not at all. There was, I understand, at least one all-Canadian bid that I understand was quite decent. However, Dr Eadington didn't think that was appropriate. This of the government that said: "Never, never, never will we have a Las Vegas-style casino in Ontario. That's not what we want. Absolutely not."

Who are the final four, I ask the members of the government, if they're not Las Vegas-style casinos? It'll be very interesting to see who in fact gets awarded this tender, if that's what you want to call it—this proposal, this bid—tomorrow at 3 o'clock.

One has to wonder whether it might be Harrah's casinos. Dr Eadington, you may be interested, has a long-time history of advising and being on the payroll for Harrah's casinos. Won't it be a big surprise if they

become the successful proponent at 3 o'clock tomorrow? The person whom the government has relied upon for its advice has worked in the past closely with Harrah's as a consultant and has been paid by them, has been paid by the government of Ontario to advise them. Won't it be a tidy coincidence indeed if they happen to be the successful proponent? I can't believe that even this government would be that foolish as to allow that to happen, but we'll have to wait in suspense until 3 o'clock tomorrow afternoon to find out if they're that crazy or not. We'll find out. We'll see tomorrow at 3.

I'd like to raise one other issue and then I will give the floor—I'm sure the members will be happy to hear that—to other members. Another issue I would like to raise is the issue about the impact of casino gambling in the province on the charitable casino and charitable gaming industry in the province. I would like to talk a little bit about the societal costs that this is going to help magnify and I would like to talk a little bit about the impact of casino gambling on the horse racing industry in the province of Ontario as well.

First of all, let's deal with the horse racing industry. The horse racing industry, when it started in this province, had a monopoly on gaming or gambling in the province, because it was the only form of gambling that was permitted by the Criminal Code of Canada. At the time that horse racing became prevalent in this province, the province set different rates of taxation on different types of parimutuel bets: 9% on triactor wagering, 7% on other forms of parimutuel wagering at race tracks, be they harness or thoroughbred, in the province of Ontario.

That was fine when they had a monopoly, but times change. As different forms of gaming, such as lotteries—and we have more lotteries now than we'll ever need coming out our ears—became more prevalent, as charitable institutions started getting licences for charity casinos, bingos etc, as the province of Ontario came out with its own Sport Select form of gaming and now as the province of Ontario today, whenever we hold this vote, moves into casino gambling, the horse racing industry no longer has a monopoly. As a matter of fact, it's been reduced to about 27% of the gaming industry—

Hon Mr Pouliot: Offtrack betting.

Mr Eves: —including offtrack betting, I say to the Minister of Transportation, in the province of Ontario. What used to be 100% is now 27%.

Again, virtually every other jurisdiction in North America that has the same set of circumstances has recognized that they are going to put the horse racing industry out of business in their jurisdiction and have therefore reduced, dramatically in most cases, the level of taxation on the horse racing industry because it is unfair.

I might add that the province doesn't bother taxing its own forms of gaming. Are they going to tax themselves at the same rate they're taxing the horse racing industry? I don't think so. The horse racing industry would love to have the same rate of taxation that casinos are going to have in the province of Ontario. I mean, if you ask them that, where do they sign? They'll sign tomorrow morning at 9 o'clock, or today if we can get them down here quickly enough.

A very comparable jurisdiction in this regard is the state of New Jersey, which has all these different forms of gaming that are now going to be introduced into operation in the province of Ontario. They have reduced the rate of taxation on parimutuel racing to 0.5%. The effective rate in the province, even after you take into account some money that's returned to the horse racing industry, is somewhere in the neighbourhood of 5%, the second highest in all of North America.

There are 25,000 to 50,000 people employed by the horse racing industry in the province of Ontario, and despite what the government may think, they're not all wealthy horse owners. The overwhelming majority of them are agricultural jobs in nature, and you people are going to put a good number of them, anywhere from 9,000 to 18,000 of them, out of work if you don't do something about this unfair right of taxation. I'd ask you to address that problem.

The other two issues I mentioned are the effects on society of increased gambling in the province of Ontario. We had many groups that came before our committee talking about what the effect is already with respect to gaming and gambling addictions in the province of Ontario and across Canada. There is not one single treatment centre in the province of Ontario. The province of Nova Scotia has, I believe, somewhere in the neighbourhood of half a dozen to a dozen.

Mr Owens: Oh, come on, Ernie. Don't go down this road.

Mr Eves: That's true.

Mr Owens: Gambling did not start in September 1990.

1620

Mr Eves: The honourable member says: "Don't go down this road. Gambling did not start in September 1990." No, it did not. I say to him, you are going to exacerbate the problem. The people who came before the committee said there already is a problem there, and you are going to magnify it many times over. What are you going to do about helping the people whose problems you're helping to create?

It is estimated by the gambling addiction foundation that approximately 5% of the people who gamble in casinos become addicted to gambling. The government is creating a problem. They want the money. The very least they can do is help address the societal problems they're going to help create. That's the very least they could do. There were many amendments moved in committee to have a certain percentage, even as low as 1%, of the moneys coming into the province directed towards gambling addiction. The province refused.

There were amendments moved to let the municipalities share directly in the revenue from casino gambling. It's done in almost every jurisdiction in the world that has casino gambling, but not here in the province of Ontario where the greedy provincial government is going to scoop up all the money for itself and isn't going to allow the municipalities to share in the revenue.

Mr David Winninger (London South): They get transfer payments.

Mr Eves: "They get transfer payments," he says. Ask anybody who's in municipal government what they think of the recent transfer payment record in the past few years.

You're creating all kinds of societal problems. You're creating all kinds of economic problems. The very least you can do is let the municipalities share in the revenue. That's the very least you can do for them.

Hon Mr Pouliot: "As the government, we shall shut down casinos."

Interjections.

The Deputy Speaker: Order, Minister.

Mr Eves: The Minister of Transportation stepped out for a few minutes. He obviously missed the last 15 minutes of my remarks. I haven't said that at all. What I've said is, we don't believe that you have thought through what you're doing with respect to Bill 8. You certainly haven't thought through what you're doing with respect to taking away people's rights under the Expropriations Act and the Planning Act of Ontario. That's all we ask, that you consider these concerns of numerous people who have appeared before the committee.

We are proceeding headlong into casino gambling. By tomorrow at 3 pm, like it or lump it, whether we've thought our way through this whole thing or whether we haven't, whether we're doing it right or whether we're not, whether we're going to prohibit organized crime from participating or not, whether we're going to take care of the problems we create in society or not, whether we're going to let municipalities share in the revenue or not, whether we've had an open bidding process and we're actually going to select the best proposal or the ones that had the inside information, we're going to get this done. We've got to get it done before Monday morning, because the court case resumes and the city of Windsor might lose. That's what this is all about.

The government has proceeded in a very unthoughtful, haphazard and hasty manner, in my opinion, with respect to Bill 8. It could have been done much more effectively, it could have been done much more thoughtfully and they could have addressed many of these serious concerns that witnesses have appeared before the committee and advised the Legislature about.

However, they've decided to do this. Somebody decided it might be a good way to make money, just like photo-radar, so we're going to do it. We're going to time-allocate it and invoke closure so we can get it passed as quickly as possible and get that money coming in to Pink Floyd as soon as we can.

Mr Tim Murphy (St George-St David): I'm very happy to participate in this debate, although it is a limited debate because of yet another time allocation closure motion on debate. What is it, the sixth or seventh in a two-week period of time? The government is deciding yet again that debate is not something it wants when it wants to do something.

I want to talk about this policy a little bit because many, many years ago, I guess it was 11 or 12, I used to work with the former MPP for Riverdale, a gentleman named Jim Renwick, a fine member of the NDP. I was an

intern in this place. He has, unfortunately, passed away, but I think if he were in the House today, he'd be embarrassed at his party. He'd be embarrassed about his party doing something like this, because I can remember him espousing views that would've called this a tax on the poor—nothing more and nothing less.

It's unfortunate to see the once-proud NDP come to what it has, I guess a meagre shadow of its former self, its principles left straying behind it as it moves forward trying to do something. I'm not sure what it is it's trying to do, but it once stood for—

Mr Carman McClelland (Brampton North): Trying to collect their deposit in today's by-election.

Mr Murphy: That's what I gather. The member for Brampton North says they may be trying to collect their deposit in today's by-election, and that's quite possible. It's quite possible that they'll get 15% of the vote, although I'm not prepared to bet on it.

I have a particular concern with this policy of casino gambling, and that relates to the issue of policing and policing costs. I think in any reasonable study—and I've seen a few on this issue—the result of this casino is going to be a substantial increase in policing costs for Windsor and the area around Windsor. There is little or no doubt that because of the criminal activity associated with casino activity—the member for Durham East shakes his head, but show me a casino where that isn't true, where they haven't had policing costs increase as a result of associated criminal activity.

What we have seen is that this government has failed to provide any assurance, for example, to the municipality that it is going to pay for the additional municipal costs of policing. In fact, my friend the member for Brampton North moved an amendment to that effect and the government voted against it—a very sensible amendment. The municipalities are saying, "What about our extra costs?" The government is saying, "Trust us." I think we should look to some of their supporters who worked for them pre-1990 to see whether that level of trust is appropriate.

I also think about the issue of trying to ensure that the taxpayers of this province aren't put on the hook for the failure of a casino. My friend from Brampton North moved an amendment in committee to say that the taxpayer should in no way pay for the failure of the casino, and the government, to no one's surprise, voted against that amendment as well. I think that's unfortunate.

I think too about the failure of this government in announcing this policy out of the blue, reversing itself on yet another issue of studying, for example, the impact on charities, on the horse racing industry. In my riding, I can think of the many charities that do bingos and other charitable activities for those purposes. If casinos expand across this province, I can see that have a very damaging impact on those kind of activities which assist many charitable organizations, obviously in Windsor, but especially in my riding where there are many groups that depend upon that kind of funding to continue to thrive.

I think what we've seen is a government that has failed to fulfil the principles it got elected on, and because of

the fear, I guess, the concern that this engenders in it, it's trying to push this through now, because it doesn't want to face the attack it's going to get and is continuing to get from its own supporters.

It's not just me and it's not just the Liberal Party that are saying this. I read a book recently, quite an interesting one, called *Giving Away a Miracle*. This is written by two long-time NDP supporters, George Ehring and Wayne Roberts. Their criticism of the NDP is more stinging than anything I could come up with. They say it was giving away a miracle. I think that's what we see in this casino gambling idea. There was a miracle of people who said, "Maybe we're going to see the NDP do what they say they're going to do." Again, and unfortunately, as we've seen elsewhere, the many supporters of the NDP are going to be disappointed, and on this issue they're disappointed again.

I appreciate the opportunity to express my concern with what the government's trying to do on this one, and I just hope that maybe we'll see a deathbed conversion and they'll listen to some of the fine proposals and amendments to this bill proposed by the member for Brampton North. Thank you very much for allowing me to participate.

1630

Mrs Margaret Marland (Mississauga South): I'm glad to have this opportunity to speak on the third and final reading of Bill 8. I wish, however, it was not the third and final reading; I wish this government had had the foresight to listen to the majority of the people in this province and withdraw this bill.

This is not legislation that is supported by the majority of people in this province. Before I vote on anything that is of significance on behalf of the constituents in my own riding, I try to assess what their opinion is on any major matter. In fact, as part of my householder last fall, when this legislation was first proposed by this government, I did a questionnaire on the subject of gambling, and the results of my questionnaire are printed in my householder of this spring. These responses were not a surprise to me, but they obviously confirm the fact that this government simply is not listening on the matter of casino gambling in Ontario, as it is not listening on many other significant matters for the people of this province today.

On the subject of gambling in my own riding, in answer to the question, "Should the provincial government legalize casino gambling," yes was 31%, no was 59% and undecided was 10%. On the second question, "Should the provincial government legalize video lotteries or video slot machines," yes, 18%; no, 66%; undecided, 16%.

As the member for Parry Sound has very eloquently spoken this afternoon, he has addressed some very major areas in this debate, and I commend Mr Ernie Eves, the member for Parry Sound, on a very complete comment covering the subject of what happens everywhere else in North America before a casino is introduced. When he talks about the fact that everywhere else they hold referendums, there has to be some irony that this province is selective, as he said, on when they will agree to referendums or not.

There are thousands upon thousands of people in this province who are concerned that this government is going ahead to legalize casino gambling. Not only have many members on this side of the House in the official opposition and in our Progressive Conservative caucus tabled petition after petition with thousands of signatures on it, I reconfirm that many members on that side of the House, the government members, have also tabled thousands and thousands of signatures on petitions opposed to casino gambling in Ontario.

I recognize that these members, sometimes by choice, will choose not to represent their own riding constituents. That is their choice. It certainly would never be mine. And the moment that we, as elected members of this Legislature, choose to vote on our own behalf rather than on behalf of the constituents who send us down here to be their ears, eyes and voice at Queen's Park, that is the moment at which we all would lose our individual credibility. I say to every member on that side of the House today who votes in favour of Bill 8 in another hour and a half and who has tabled petitions on behalf of their constituents: You are betraying those very constituents who elected you to this place.

It is a very serious matter when the people in the ridings around this province lose their representation because the people in the Legislature don't vote to represent their concerns and their opinions. That's when the whole system falls down, and these members will find out how far they will fall when the next election is called in this province.

I think one of the best summations on the pros and cons of this debate about the criminality that may or may not be associated with legalized gambling in the form of casinos in this province is contained in a letter that I have on the letterhead of the Regional Municipality of Peel Police Services Board. This letter was written by the executive director of that board, Frederick Biro. He wrote the letter at the direction of the board in response to a resolution passed by the Peel regional council. The letter is addressed to Emil Kolb, who is the regional chairman and chief executive officer of the regional municipality of Peel.

In this letter Mr Biro is talking about what was learned during the public hearings on this bill. Part of the debate of course evolved around what was really going to happen in Windsor: Was there a concern in Windsor about the impact the initial casino would bring?

I'm just going to read some of this letter because it says it far better than I can, from a totally non-partisan body.

Interjections.

Mrs Marland: If anybody questions whether the region of Peel police services board is non-partisan, you'd better look very closely at the people your government has nominated—some nominations in the midst of great controversy, I might add. You made the appointments to the Peel regional police services board, so if you do not accept the fact that this board is non-partisan, that's your choice. The fact is that the appointments to this board are made and reappointed by this government.

In this letter Mr Biro says, talking about the subject of the Windsor police report: "This division of opinion between the Windsor Police Service and the casino project staff added credence to the points made in the board's resolution about the lack of clarity about the source and amount of funding for increased policing. I would point out that this division of opinion continued during the recent public hearings held in Windsor by a committee of the Legislative Assembly of Ontario, well after the minister's response to the board in May of 1993."

The board in its resolution went on to say, "Issues such as the potential increase in criminal activity and cost to local agencies and municipalities remain unresolved."

In response, I would bring to your attention comments made by Dr William Thompson, professor of public administration, University of Nevada at Las Vegas. Speaking of the inevitability of continent-wide casino gambling, he said: "It's going to be within a day's drive of everywhere. Bad public economy is the end result. As long as you have gambling within reach of everybody, gambling no longer becomes a tourist draw and your gamblers are your locals, and there's no economic growth if all you're doing is spreading the money around the local community. As a matter of fact, there's probably a drain on the local community."

That quotation was in the *Globe and Mail* on September 7, 1993, and is included in this letter. It begs the argument about what benefit there is to any community to have legalized gambling.

1640

The unfortunate thing is that when I served on the committee, I learned first hand that the municipalities around this province think there's going to be some income for them. All the money from these casinos is going into the general revenue fund. It's not flowing to the local community, and the costs for the protection of the local community fall on the local taxpayers through their property taxes.

"So too," the letter continues, "would comments made by chief of police for the Windsor Police Service, Mr James Adkin, who stated in August 1993 during the casino bill hearings that there is evidence of organized crime activity bent upon infiltrating the city's planned casino. He said bluntly that 'Organized crime is a concern.'" That was in the *Toronto Star*, August 18, 1993.

So here is the chief of police of Windsor trying to tell this government that there is a concern about organized crime in the city that it has chosen to introduce legalized gambling.

"While the board recognizes that Ms Churley committed publicly the day before Chief Adkin's comments that 'there will be no mob' involvement in the Windsor casino, it appears the chief of police of Windsor does not share that confidence. Nor would the experience of other jurisdictions support the minister's prediction.

"For instance, the Quebec government, at the advice of its police community, recently opted to keep private operators from maintaining video machines in casinos to protect against the infiltration of organized crime. You

may also be aware that published reports state that American firms with organized crime links have successfully placed video gambling machines in those maritime provinces where it has been legalized."

The concerns go on and on. If we're talking about who these operators are, which we're going to find out about tomorrow—as the member for Parry Sound said, you don't even want to make the announcement of who the operator will be. You don't want to acknowledge the fact that of the four operators who are on the final list, there are still operators in Las Vegas who are going out of business because of the reduced interest in legalized gambling.

The Acting Speaker (Ms Margaret H. Harrington): The member's time has expired.

Mrs Marland: Madam Speaker, I am totally opposed to legalized gambling casinos in Ontario.

Mr McClelland: I appreciate the opportunity of providing some closing comments for the official opposition with respect to Bill 8 and the debate that has ensued around it both in this place and indeed across the province in communities and, doubtless to say, in homes as people deal with what I can only say is a difficult and contentious issue.

Let me say at the outset that I have experienced or witnessed a range of views and range of opinions even within my own caucus, as you would expect. Indeed my friends, as I talk to them, provide a range of opinion with respect to the appropriateness of casino gambling and the impact it might have on the province and the communities where casinos will be situated.

Interjection.

Mr McClelland: Having said all that, the issue that really troubles me the most about all of this is the fact that in the context of the debate, the controversy, there are people who get caught up and say, as we've just heard from the member from Chatham, "I've heard enough," when in point of fact they haven't really heard any of the argument put forward at all.

Let me pick up a little from where the member from Mississauga left off. She was not talking about Windsor per se or the casino, but rather the difficulty in dealing with some of the fallout where casinos are located and asking the question, will resources be in place to deal appropriately and adequately with the fallout that will obtain from a casino being established in the community?

I want, by utilizing the time we have available left to us after the time allocation motion has been put in place limiting debate on this, I think very sadly limiting debate, to refer to a couple of amendments that were either put forward and defeated by the government or, alternatively and perhaps more importantly, never given the opportunity to be discussed.

One deals with the issue that in fact—

Interjections.

The Acting Speaker: Order, please.

Mr McClelland: The member from Chatham and the member from Mississauga are bantering back and forth right now.

It's a very important issue. That issue deals with policing in a community that hosts a casino. I, on behalf of our caucus, introduced an amendment that read basically as follows: "Any law enforcement costs, as determined by an independent body," and there are some previous parts of the bill that set up a community committee, "incurred by a municipality in which a casino is operated under this act shall be borne in full by the province of Ontario." Any costs incurred as a result of a casino operating would be borne by the province of Ontario, paid for from the revenues generated by the casino.

Everybody said it sounds reasonable. The city of Windsor said: "We like that. Obviously, we accept the fact that there will be some costs associated with it." It became an issue of debate as between the chief of police and the minister and the project team. The minister, who's coming in at the present time, said: "That's all right. We're going to resolve that. We want to assure you, sir," she would say to the chief of police, "that we will monitor the situation and we will deal with it appropriately."

The minister is a woman of honour and has every intention of doing that; there's no doubt in my mind. But it becomes a contentious issue in a community. How do you resolve that? Perhaps you look at some model whereby determination can be made independently, the proceeds paid for out of gross revenues from the casino, and everybody comes out a winner in that respect.

But what's troubling about this aspect, and it's illustrative of the whole way this legislation was handled, is the government basically said, "No, we're not interested," for whatever reasons. "We don't want to talk about it. We've heard enough," as the member from Chatham might say, "and we don't even want to debate that particular idea." It may not be perfect—in fact, it may not be workable—but the point of the matter is that they didn't even want to talk about how we're going to appropriately fund the infrastructure costs and the policing and services costs for the community of Windsor. We wanted some sort of assurance for that city and, might I add, importantly, for other cities where casinos will be operating in the not-too-distant future.

Let me digress for a moment and talk about other communities where casinos will be operating. The parliamentary assistant has throughout the course of this debate said, "At this point in time, the government has no plans on proceeding with other casinos." I would ask him, and have asked him on numerous occasions: Mr Duignan, will you remove the qualification "at this point in time"? He, being a man of honour, won't do that because he knows, I think, in his heart what's going to happen. What's going to happen is we're going to get this legislation in place and it will be a different point in time and the government will have different plans. That's exactly what's going to happen, and I have a fairly high level of confidence in saying to you today, Madam Speaker, that as we go into what I think will probably be an election in the spring or early summer of 1995, there will be four or five other locations throughout the province of Ontario that will be put on the shelf or brought into the casino action, so to speak.

Your government, the government of the day, the NDP government, will say, "Vote for us and you'll get a casino," and will make it an issue that will hold out the promise of economic renewal and economic vitality for some communities. I hasten to add that in many cases it will provide significant benefit to a community. I think any reasonable person will accept that this probability exists in most cases.

I have grave concerns, however, about how we're going about doing this. It seems to me that you have to be either all in or all out. Putting aside for a moment the debate on the appropriateness of casinos, and I have some misgivings about it—let's put that aside for a moment. Presuming we're going to go with the model that we're going to go with in Windsor for the time being, my position quite frankly is this: If you're going to allow it to operate, allow it to operate unfettered in terms of the private sector running the business. Control it, monitor it: There are many models by which that can be done. Indeed, the legislation has set up a commission to monitor casino gaming and other charitable gaming throughout the province: well thought out, I might add. Give credit where credit is due in terms of the government setting up that commission to deal with that responsibility that is part and parcel of establishing casinos.

Having said that, let's look at the practical operation of the casino. Let me take you back to the presentation made by a representative of the business improvement area from the city of Windsor. I believe it was Mr Orman who came in and said to the committee having hearings on this matter, the standing committee on finance and economic affairs: "Let's get real. Let's wake up and be realistic about this. We know you're going to go ahead with the casino and we're going to have it situated in a specified location in the city of Windsor. But at the same time you're putting on these constraints and you want to kind of sanitize it a little so it's a little bit more palatable for the people who are opposed to it. Don't be naïve. Don't think for a moment that we're not going to have competition state-side."

1650

In point of fact, there are already proceedings in place to establish a casino in Michigan, in the city of Detroit. Whether that comes to fruition or not, I cannot speculate. My suspicion is that it will happen. It may in fact happen in a more timely fashion than we've seen in Windsor, given some previous experiences that I think we can draw on in terms of the private sector enterprise and operation in the United States and elsewhere.

What I'm saying, in short, is this: I think we have clouded much of the operation of the casino by trying to have this government-private sector mix that I don't think is going to be workable in the final analysis. It may. For the city of Windsor and for the people and the proponents who have done a tremendous amount of work, and the expectations are there, I wish them well and I wish them every success. But I think they're starting a little behind, a couple of strikes behind as they step into the batter's box, so to speak.

If you're going to do it, allow the private sector to bring the expertise and run with it unfettered by the

government in the context of the operation. The way you market it, the rules of operation internally for the casino: I think some that the government has established are quite naïve. But the government has chosen to keep its fingers in it. I understand why they're doing it. They want to sanitize it and say: "Hey, we're in charge here. It's okay, don't worry. We'll take care of your interests."

But what interests will they take care of? They'll certainly take care of the interest of drawing off revenues. Let's face it and revisit this fact. This was driven not by the Ministry of Consumer and Commercial Relations. In fact, senior, very senior—and if I identified any more than that I think I would identify the individuals—people conceded to myself and to some of my colleagues that senior people in the Ministry of Consumer and Commercial Relations didn't know about this until after it was announced in the budget. So what was the genesis of the casino project?

The genesis of the casino project was revenue, treasury, not Consumer and Commercial Relations. After the fact, after the decision had been made to go out and do it, Consumer and Commercial Relations was then charged with the responsibility of packaging it and selling it politically. That's the way all governments operate. That's the reality. I have no quarrel with having it that way, but I think it speaks volumes about where this is coming from.

In point of fact, the minister charged with the responsibility—on the face of the evidence it became apparent—really didn't know what was happening with this project and would respond to the project team rather than leadership coming from the government.

It seems to me that you can go back and look at models that were established in 1975 when the then Conservative government sat down and said: "We'd better do a very comprehensive analysis and figure out how we're going to do this if we're going to get into the business of establishing a lottery corporation. Yes, there will be some political downsides to it. We canvassed all of that and asked, how are we going to do it? Let's look at the picture and map it out up front."

What did we do here? We made the decision out of treasury to generate revenue, plunked it over to Consumer and Commercial Relations, to a minister who at one point was opposed to gambling in her own community when she sat on municipal council—very interesting. Now, as they say in the business, suck it up and run with it, because that's your job, that's what you're being paid to do, even though you don't really believe in it. You've got to tough it out; that's the nature of the business. So you kind of straighten out your shoulders and say: "We'll carry it. Off we'll go and we'll do it."

The minister did that, did her job and her responsibility, as charged by her collective bosses, I suppose. Then she went out and hired Coopers and Lybrand, paid them a lot of money, some quarter of a million dollars, to commission a report. During the process of looking at the mapping of where we're going to go on this, I asked the following question of the authors of the report: "How about the downside impact? How about the impact on the community in terms of the socioeconomic impact on the

community, the policing costs, the infrastructure costs and so forth?"

"That wasn't within our terms of reference," came the response. In other words, one could infer from that that the terms of reference from the government were, "Go out and cooper up a report"—no pun intended—"come up with a report that tells us the best-case scenario and gives us all the positives in terms of establishing a casino from a marketing point of view," an important part of dealing with this issue.

But it seems to me that you do that first before you make the decision. It also seems to me that, in fairness, what you do is you say: "Give us the other side of the coin. Tell us, if you flip the chip and it comes down the other way, what the downside costs are going to be." That wasn't part and parcel of the report the citizens of this province paid for. The people paid some \$250,000-plus for a report that only told, if you will, half of the story. I find that not only problematic but somewhat offensive. I think that was wrong. I think it was wrong-minded. It did and will do in the long term a disservice to the people of the province and, moreover, will do a disservice to the people of the city of Windsor and the successful proponent, whoever that will be tomorrow when it's announced in Windsor, because I think it'll have created a false set of expectations without rounding out the picture and giving a balance.

We had some other amendments we talked about. One of them that I'm going to deal with quite quickly, and I hope cleanly, was the amendment some people referred to that was introduced by our party that suggested that at the end of the day the taxpayer should not be held responsible for any of the deficit or liabilities that might be incurred in the result that happens.

The assurances were given: "Trust us. It won't happen." Then I thought perhaps one of the most ironic and perhaps even absurd arguments—and he's a great guy and a good friend—was when Mr Duignan, parliamentary assistant, the member for Halton North, said, "Look, you people made mistakes in the past and we want the right to make the same mistakes all over again."

It seems to me that the member for Wilson Heights stood in his place and said: "Yes, I'm willing to admit that we made mistakes and I was part of the process that made a mistake with respect to the SkyDome and the debt incurred. We want to ensure that doesn't happen again." The response again from the parliamentary assistant, who is representing the government, was: "We want the right to make the same mistake. In fact, we want the right to make sure that anybody else down the road can make the same mistake, even if we don't, as we develop casinos elsewhere."

It's just totally absurd in terms of the logic that was presented by my good friend. It just made no sense. I think the reason was he was told, "Hey, look, it's not a bad idea, but we can't go with it." For whatever reasons we'll never know and the people of the province won't know.

In fact, I suspect that there was some discussion within the caucus or within the leadership of caucus at cabinet that said, "Can we deal with this in some way?" They

probably got some advice from somebody, whether legal staff or whatever, who said, "You shouldn't go with it and don't go with it." They thought, "We can bite the bullet politically." At the end of the day it provided a good opportunity for the government House leader to say: "See, the opposition is holding this bill up. They're holding it up on this one amendment. We can use that, play it out a little bit. Then we can bring down a time allocation motion, hammer them over here," as the government House leader likes to do almost on a daily basis now with the time allocation motion, "and then we can sort of wash our hands of it and say it's okay, they were holding us up"—on a very reasonable amendment and, I suspect, an amendment that was supported, at least in principle, by a goodly number of his caucus colleagues.

Clever, I suppose, from a tactical point of view, but I'm wondering, in terms of the interests of the people of the province of Ontario, if it wasn't perhaps a large cost to pay to be able to rationalize or justify yet another time allocation motion. I suppose only time will tell on that, but I think the absurdity of course was when the government said, "We want to make sure that happens, but we're not prepared to commit in writing to that very point that the taxpayers should not be held responsible."

Madam Speaker, let me jump ahead a little bit, and I want to deal with this in a measured, thoughtful way. Your predecessor in the chair the member for Carleton East, as he assumed his role sitting in the chair, stood and asked the member for Parry Sound to withdraw a comment with respect to section 19 and the amendments that have ensued as a result of that.

For the viewers and the benefit of those of us who are involved in this debate, let me just remind all of us that section 19 is the section in this legislation that says effectively that the Expropriations Act and the Planning Act or certain provisions of those acts don't apply with respect to the lands in question where the permanent casino will be built in Windsor.

Is that such a big issue that the member for Parry Sound would say what he did? The answer is, in short, yes, it is. I say this in a measured fashion, that I understand exactly why he said and used the kind of language he did. I will say this as dispassionately as I can, because I hope that maybe in so doing some of the government members will listen. The House leader is here and I appreciate the fact that he is paying attention to what's being said here. I appreciate that.

1700

What happened in section 19 is this. Section 19 said to a group of people who own land, 18 individuals, and one individual involved owns some 40% of that land: "Because it's expedient and because we want to do it, we want to bypass your legal remedies that you've had. It's uncomfortable for us to have to deal with it. There's no certainty that we're going to get the land in the time lines that we want without some measure of aggravation, and we don't want to have to put up with that."

But I think what happens is this, as in all things in life, and boy, I'm guilty of it from time to time: You slip on a little thing and you compromise yourself in maybe telling part of a story or part of what's happening and it

becomes easier the next time. You know, stories get bigger as they go on down the line. I wouldn't suggest that anybody else has ever done that, but I'll admit that from time to time I've been guilty of that and I have to watch myself. I've got a seven-year-old boy who picks up when daddy isn't telling the whole story or sanitizes it a little bit. It's a human failing that we all have.

But my fear is that the government has begun to do something that'll become easier the next time and easier the time after that. What they've done is they've said that this project is more important than an individual's or a group of individuals' rights. It's not just about the Windsor casino project; it's a principle that I think people in all parties fundamentally believe in and believe in profoundly.

What troubles me and quite frankly defies any answer that I can come up with is how some of the people who sit over there, whom I know personally, can say, "Yes, I know, but I'm going to vote for it anyway." They're the type of people who used to fight passionately and sincerely for individuals who they felt were being wronged by the system, the government, the heavy hand.

That's why they got involved, many of them. Many of them started in the union shop because they thought there were inequities on the shop floor and there were injustices, and it motivated them. It was the motivation of altruism, sincere and genuine. But now something happens: "We're in government, we're in power and we want to do something, and we make this because it's sort of a different situation; it's a bit of an emergency."

Now I say this very measuredly and cautiously. Please bear with me. I don't want to be confrontational and I don't want to be inappropriate in my comments, bearing in mind what my friend from Parry Sound said. One of the land owners said, "My dad lived in Germany in 1933 and left."

He said, "I want you to think about how I feel right now. He left because he was concerned about a government that said, 'We're going to take away your land or your business.' So he said, 'I'm going to get out while I can because it's only the first step.'" It was very insignificant to the people present at that point in time.

One of the land owners called me and he said another thing happened: "I had family that lived in eastern Europe, and some of them left for the same reason. And you know what happened? When people raised the issue back home in eastern Europe, back where my dad lived in the early 1930s, people said, 'You're making too big a deal out of a small thing.' They would say: 'Ah, come on, don't worry about it. It's just one piece of land; it's just one factory; it's just one small thing.'" But the principle was there that it began to erode a fundamental right.

Interestingly enough, I was told this week that there are people in the financial community who are watching this subsection 19(2). Why? Is it all that important? Let's be honest—I apologize to my friends who are affected—the 18 individuals who are affected are probably all financially sound and healthy. It may cost them some \$4 million or \$5 million out of their pockets. I'd like to be in a position where I could roll over a \$4-million or \$5-million loss and keep going. It's beyond my comprehen-

sion, but they'll probably keep going. And yes, it hurts. It would be like any one of us getting hit for \$4,000 or \$5,000 maybe, but boy, we would be upset if it happened and we felt that it had been done unjustly.

I don't want to minimize it. The impact on them is significant. That's huge, huge money, but it's more than the money; it's the principle involved. I find that the most troubling part of this legislation is the way that was introduced at the last moment, and we justify it on the basis that this project is important enough to do it so we've got to go ahead with it.

I wanted to get that over with and just say it and get it on the record, because I think it's going to come back to haunt many of us in this place who haven't picked up on the significance of what took place a couple of nights ago when we voted in favour of that amendment. Because as we vote in about 15 or 20 minutes, whenever we vote, on the full bill, it will be all wrapped up in there and will be sort of lost in the shuffle, and I'm not sure people will fully understand the impact of that.

I hope that there'll be an opportunity for the people who are affected and had a desire to come here and actually sit here in the gallery to meet with the press and say to the press: "Why don't you understand what's happening here? Do you understand the impact on me as an individual and to the broader community in terms of investment confidence?" It's not just section 19.2. It sends a very, very clear and definitive message to people that they're feeling very uncomfortable about it because, as you know, it comes before the courts for determination in just a matter of days.

I can only hope that, through that forum, this particular issue will be canvassed in a thoughtful and reasoned manner and that maybe something can be determined that will redress what I happen to believe is a very, very significant injustice and I think something that will come back to haunt many of my friends opposite, because I think most of them—and I don't say this in, I hope, a haughty or disparaging sense—don't understand the sense of frustration that some of those people feel and the anger and the sense of betrayal that they feel their government has effectively turned on them and, to use their language, is stealing from them.

That is a harsh statement and I say it in a measured way and I'm trying to say it dispassionately on their behalf, because they want to say that and they want it to be known that they feel the government of the day has sorely bruised them and done them an injustice. They're hurt, not just from a financial point of view but in terms of their faith in the system. Some of them, in terms of people they used to support, say that they can't believe that the people who they would have thought would have fought for the individual and fought for individual rights have now decided with the stroke of a pen to take them away. Only time will tell the full consequences of that.

I want to leave that, although much more could be said about that, but I think it's delicate at best, simply hoping that those who read or watch these kinds of things can understand between the lines what I'm trying to say, and say it in a fashion that I hope would not be confrontational but I hope instructive and perhaps thought-

provoking for us in the future as we consider what governments might do and might be prepared to do to erode away some of our fundamental rights.

Let me touch on a couple of other little housekeeping measures that didn't come up. During the course of the debate the city of Windsor and other municipalities that were interested said that they felt that they wanted to have some ownership in terms of what was taking place there. Many of the proponents went to great expense and put in a tremendous organizational investment in time and effort in adding a local component to the proposals that were taken to the project team. I want to say publicly and say on the record that many of them feel that at the end of the day that local component, that local aspect, really counted for little, if anything. They felt very much aggrieved by the fact that they invested hundreds of thousands of dollars and hours upon hours, hundreds of hours of time and energy and enthusiasm, in developing a local aspect. We've heard some of my colleagues on this side talk about how we end up at the end of the day with four mega, huge, multi-international companies that are left on the list.

I don't want to take anything away from them or from their proposals, but I think we should bear in mind that there were a lot of local people who felt that they just didn't get a fair shake. I'm not saying that it wasn't done fairly; they're saying that it wasn't done fairly. They're saying that they weren't given the fair treatment that they should have deserved.

We thought that the city of Windsor should have an opportunity—or for that matter any other city, any other municipality that will host a casino—to sit down and in camera, respecting the confidentiality and the necessity for privacy in terms of entering commercial contracts, have an opportunity to review what was taking place with the project team and with the proponents as we came down to the short strokes, if you will, of the contract and some of the legal niceties that will be contained therein.

The government again felt that it was important enough to pay lipservice to community involvement and local community leadership in terms of the casino project, but when it came to the end of the day it was not prepared to allow representatives of the municipality to see those contracts and be an integral and intimate, private party to the discussion with those contracts and the development and evolution of them.

I indicated earlier that we had another amendment that didn't get an opportunity for full discussion, that said that off the gross revenues we'd set up a formula to cover costs, not only in terms of policing but the city costs as well. Interestingly enough, my colleague the member for Parry Sound and I came up with many similarly worded amendments as we discussed this legislation, in large measure—I want to take an opportunity to do this and pay tribute to the people who presented to the committee—because of the people who came before the committee. They came out with some very thoughtful and well-reasoned suggestions, some in your community, Madam Speaker. I can't remember offhand the name of the group, one of the last groups that presented while we were visiting in the Niagara Peninsula, but it came

forward with some very thoughtful and creative suggestions. My colleague and I tried to incorporate some of those into the amendments.

1710

I suppose it's part of what we learn to live with here, but it seems to me we could have looked much more carefully at some of the amendments that were certainly introduced by myself and my colleague but were generated by the people of the province. To them I say thank you, and I think all members would agree that we want to thank them for their participation. I regret that we weren't able to bring into the legislation by way of amendment some of their well-thought-out and well-reasoned suggestions.

There's another amendment that I might say was co-authored, in the sense that both the member for Parry Sound and I came up with the same idea, again on behalf of the people who presented. It read something like this: "Payments that provide for the purposes of establishing and funding gambling addiction treatment centres"; in other words, moneys that would be put in to address those concerns in the community. What happened again? It was blown out the window, and the government said it didn't want to deal with it.

Another amendment was taking care of charities on a rotating basis to make sure that the downside impact—remember earlier on in my comments, not too, too long ago, about 25 minutes ago, I mentioned that the Coopers and Lybrand report didn't deal with the downside impact of the casino. One of the downside impacts will be charities, and the province has said, "Trust us; we'll take care of you." The charities said, "Actually, we'd like a bit more than that." Some 32 charities organized together and became an umbrella group and presented some very legitimate concerns, and we wanted to ensure that was taken care of. What happened? That was thrown out.

Here's one that I thought the government might want to respond to for a variety of reasons. Actually, I can't find it right now, but the essence of it was as follows: It basically said that the cumulative rate of all taxes charged on horse racing and on the horse racing industry wouldn't exceed the cumulative aggregate taxes that were involved in the casino project.

What we have right now, upon passage of this bill imminently, in a few minutes' time, will be a situation where casinos will be taxed at a much more favourable rate than the horse racing industry. The horse racing industry is in some peril—for a variety of reasons; let's be candid about that. But let there be no question that the operation of casinos in and around the province will impact them very dramatically in a negative fashion.

We thought the least we could do is level off the playing field: tax them on the same basis; make the rules of the game the same, if you will. We're talking about a relatively inelastic consumer dollar for gaming and for that type of activity. At least give the horse racing industry the same opportunity from a financial point of view to compete. The government again said, "Not important enough; we don't believe in it," and that really troubles me a great deal.

Let me revert back to section 19 for a moment; I talked about it earlier in the amendments that were put forward. Some of my friends in government may be interested and want to know that there is a heritage building that was restored at considerable cost by one of the owners in partnership with Ontario Hydro funding. It's going to be demolished. Do you know when that was completed? Just a number of months ago. Government money went into restoring the building—not just renovating it but restoring it to its original condition; handmade bricks to make it authentic. Do you know what? It's going to be wiped out by a bulldozer or a wrecking ball so we can get the casino in. No due regard for that.

There are those who say, "Well, those are small things." They're small, but they speak volumes about the way this whole project was handled. I think some people have grave concerns about that and can read between the lines on that one as well.

I've tried in the half-hour or so we've had just to touch on some of the amendments to be illustrative of the process that took place. Let me say this in conclusion about the casinos: I suspect that as we go into the 1995 election the government will hold out to a number of communities that, "We're going to provide you with economic opportunity by way of casinos." I can only say this: that we should be very cautious and careful. We had an opportunity to improve the legislation, and I think in a somewhat cowardly, heavy-handed manner, the government came down and said, "We will not allow full and complete discussion on those amendments that are generated by the good people of the province of Ontario and we will have casinos now," and they will be operating in Windsor and I suspect at least in the Niagara Peninsula, in Ottawa and in Toronto before we go into the next election, or the projects will certainly be under way.

The sad part of it is that the legislation we're going to pass now, notwithstanding that many of us disagree that it should even be passed at all, is fraught with minefields and errors, both in terms of its construction as a piece of legislation but also from a policy point of view. Some very fundamental principles that were once espoused by members of the government have been put aside for the sake of expediency.

As the member for Renfrew North said, many people sold their souls for the gambler's gold, and that's what happened. You think that money is more important in this case than principles, that money is more important than doing the best job you can, that money is more important than people's individual rights, that money is more important than a thoughtful, well-reasoned, well-balanced approach to entering into the gaming industry in this province.

At the end of the day, our society is going to move ahead with casinos; that's become evident, based on the government. It's a sad fact that it's being done in a fashion that is going to bring hardship to the horse racing industry, that it is going to negatively impact charitable gaming, that it's going to have social costs to the residents of the host communities and is going to have some downside implications that will be felt for years and years to come. Most important of all, it will be yet another

piece of evidence in the mounting pile of evidence that this government is prepared to sell out its principles and sell out the things it used to believe in for the sake of expediency and for the sake of dollars and cents. The almighty dollar now rules what used to be ruled by principle and policy.

The Acting Speaker: The member's time has expired.

Mr Duignan, on behalf of Ms Churley, has moved third reading of Bill 8, An Act to provide for the control of casinos through the establishment of the Ontario Casino Corporation and to provide for certain other matters related to casinos.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1718 to 1723.

The Acting Speaker (Mr Noble Villeneuve): Order, please. Could all members take their seats. Mr Duignan has moved third reading of Bill 8. All those in favour of Mr Duignan's motion, please rise one at a time to be recognized by the Clerk.

Ayes

Akande, Allen, Bisson, Boyd, Buchanan, Charlton, Christopherson, Churley, Cooke, Cooper, Dadamo, Duignan, Farnan, Ferguson, Fletcher, Frankford, Gigantes, Grier, Hampton, Harrington, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lankin, Laughren, Lessard, Mackenzie, MacKinnon, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Swarbrick, Wark-Martyn, Wessinger, White, Wilson (Kingston and The Islands), Wilson (Frontenac-Addington), Winner, Wiseman, Wood, Ziemba.

The Acting Speaker: All those opposed to Mr Duignan's motion will rise one at a time and be recognized by the Clerk.

Nays

Arnott, Beer, Bradley, Callahan, Caplan, Cunningham, Daigeler, Eddy, Elston, Eves, Harnick, Henderson, Johnson (Don Mills), Kormos, Kwinter, Mahoney, Marland, McClelland, McLean, Miclash, Morrow, Phillips

(Scarborough-Agincourt), Poole, Ruprecht, Sterling, Stockwell, Sullivan, Turnbull, Witmer.

The Acting Speaker: The ayes are 53; the nays are 29. I declare the motion carried.

I resolve that the bill do now pass and be entitled as in the motion.

REVISED STATUTES CONFIRMATION AND CORRECTIONS ACT, 1993

LOI DE 1993 CONFIRMANT ET CORRIGEANT LES LOIS REFONDUES

Mrs Boyd moved third reading of Bill 115, An Act to confirm and correct the Statutes of Ontario as revised by the Statute Revision Commissioners / Projet de loi 115, Loi confirmant et corrigeant les Lois de l'Ontario refondues par les commissaires à la refonte des lois.

The Acting Speaker (Mr Noble Villeneuve): The Attorney General has moved third reading of Bill 115. Does the Attorney General have some opening remarks?

Hon Marion Boyd (Attorney General): No.

The Acting Speaker: Further debate?

Interjections.

The Acting Speaker: Order, please. There is a great deal of noise in the Legislature. It makes it very, very difficult.

Mr Robert V. Callahan (Brampton South): A very quick comment: Attorney General, why did it take so long to do this?

The Acting Speaker: Questions and comments? Further debate?

Mr Charles Harnick (Willowdale): As I understand it, this is a bill to correct the Statutes of Ontario, which are revised every 10 years. This bill would be correcting all of the clerical and typographical but not substantive errors in the Revised Statutes of Ontario, 1990. I would hope that I'm going to be here to do the revised statutes in the year 2003, when we get around to correcting the next set.

The Acting Speaker: Questions or comments? Further debate? I see no further debate.

Mrs Boyd has moved third reading of Bill 115. Is it the pleasure of the House that the motion carry? Carried.

I do resolve that the bill do now pass and be entitled as in the motion.

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Official Report of Debates (Hansard)

Thursday 2 December 1993



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Jeudi 2 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Thursday 2 December 1993

Report continued from volume A.

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PUBLIC SERVICE AND LABOUR RELATIONS
STATUTE LAW AMENDMENT ACT, 1993LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA FONCTION PUBLIQUE
ET LES RELATIONS DE TRAVAIL

Resuming the adjourned debate on the motion for second reading of Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts / *Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois.*

The Acting Speaker (Mr Noble Villeneuve): I believe the honourable member for York Mills had the floor last and can resume his participation.

Mr David Turnbull (York Mills): Bill 117 is an omnibus bill dealing with three NDP objectives: reform of the Crown Employees Collective Bargaining Act, expansion of political rights to crown employees and the creation of whistleblower protection for crown employees who want to blow the whistle on government mismanagement.

Bill 117 forces unionization of crown employees and supports the politicization of the civil service. The PCs therefore cannot support a bill that forces unionization of the civil service, and we certainly won't condone the erosion of the neutrality of the civil service.

Bill 117 introduces the concept of a whistleblowing counsel to cope with gross mismanagement of this government. Frankly, if the government were working properly, gross mismanagement wouldn't be happening.

The whistleblowing counsel, as established in this bill, is not going to stop the—

Interjections.

The Acting Speaker (Ms Margaret H. Harrington): There have been quite a few conversations going on. Would members, if they would like to have a conversation, please do so somewhere else. I would like to be able to hear the member who has the floor.

Mr Turnbull: The whistleblowing counsel, as established in this bill, is certainly not going to stop the problem of the lack of effective management by the Management Board or by cabinet. The PCs are going to vote against Bill 117.

Turning to the first section of the bill, the CECBA reform, or so-called reform, the portions of the bill relating to this are similar to Bill 49, the Crown Employees Collective Bargaining Act, 1993, which was introduced June 14, 1993.

Frankly, it's a payback to the unions. The timing is very suspect, because we now have the NDP in a rift with the union supporters. The jobs and the economy should be the concentration of this government, but

they've lost their way. They don't have any ideas on the economic front so they're concentrating on paying back their traditional support base.

We know that when we talk about jobs and the economy, they've come forward with this weak-kneed program called Jobs Ontario, which is totally flawed. It's been rechristened Jokes Ontario.

Bill 117 mirrors the flawed legislation which the government brought forward for the private sector in Bill 40. We're not going to agree to the transplantation of a flawed process which has affected our private sector economy by just supplanting another bill in the public sector.

In August 1992, the employees' group known as the Ontario Public Servants Against Forced Enlistment or OP SAFE stated in its opposition, "...unilateral action by the government to force us into a union without our consent." That's what they thought about this bill.

OP SAFE objected to what appears to be a done deal with OPSEU. The concerns that were expressed at the time by OP SAFE were with respect to the seniority of its members, an inadequate consultation process, a lack of choice in bargaining units, and that 2,000 people were being forced into OPSEU.

The government has guaranteed the seniority rights, apparently, of these 2,000 people, but strangely enough it's not in Bill 117. Frankly, with this government's track record of keeping its promises, I would certainly want to see those words in the bill, because nobody trusts this government. They have broken all of their promises. We know that document *An Agenda for People*, which is suitable for tearing up into squares and putting in the outhouse if you have one.

Let's talk about the payback to OPSEU in this bill. We know that 2,000 people are going to be forced, without any choice of their own, into OPSEU. Current OPSEU contributions, I believe, are \$35 per pay period. There are 26 pay periods per year, that's \$910 each and every one of these 2,000 people are going to contribute. In other words, with 2,000 employees, \$1.8 million into the coffers of OPSEU. You'd better believe that OPSEU is being paid back by this government.

There are another 7,000 employees in the management and professional ranks who will have the option to be represented by a bargaining agent if they wish, and they can choose their bargaining agent. If, by any chance, they went into OPSEU, that would be another 7,000 at \$910 per annum, which is \$6.37 million. Think about that. When you add the two together, we're talking about \$8.19 million in potential extra revenue that OPSEU is going to get. I guess Freddie Upshaw must be pretty pleased about this.

The Association of Management, Administrative and Professional Crown Employees of Ontario has been recognized under this bill as a legitimate staff organization by Management Board, but any union could organize this group.

The OPS, which is professionals, doctors, lawyers and professional engineers, will, I'm pleased to say, be able to maintain their own professional association and bargaining units.

PCs, as I've said, have a great deal of trouble with 2,000 people being forced into OPSEU with no choice whatsoever as to bargaining unit.

If this government were truly interested in furthering democracy—it is more than passing strange that in the name of the governing party they have the word “democratic”—then indeed it would allow the people in that group of 2,000 to opt out of OPSEU. In fact union members should be able to direct their funds to charities if they wish, instead of going into a union that force their members to have a contribution sent to the NDP.

There's something fundamentally smelly about legislation that we're being forced to act on now where the government is forcing a group of people into a union which makes forced payments for all of its members into the NDP coffers. I suggest that everybody in the government has a conflict of interest in this bill. Think about this. This is quite an unusual situation.

Mr Drummond White (Durham Centre): On a point of order, Madam Speaker: The member opposite is making allegations about the government members in terms of a conflict of interest. This is clearly out of order. I would suggest that everyone in the public in Ontario knows there is no direct contribution from OPSEU to the government party.

The Acting Speaker: No, that is not a point of order. The member for York Mills does have a right to his opinion.

Mr Turnbull: You're quite right. It isn't a point of order, but it's a point of nuisance, because I think the government recognize that it is defending the indefensible. It's undemocratic and it's repugnant, what the government is doing.

All current members of OPSEU should have the right to opt out of the union, as indeed any member of any union should have the right of opting out of a union. It's absolutely obscene that people are forced to join an organization.

1740

I'd like to give an example of how some of the people are reacting. The landscape architects who work for the government want to join the engineering bargaining group called PEGO, Professional Engineers of the Province of Ontario. PEGO wants them. They've said they want them. But the landscape architects are not being given a choice in this. The government with its very, very close ties to OPSEU—in fact, one of the senior ministers of the crown, an ex-bargaining agent of OPSEU—is forcing this group of people into a union. I can't think of anything more repugnant than that, and I think every single member of the NDP should go away and just mull that one over if they think it's democratic for them to pass a bill which forces people into a union that they don't want to be in, even though they would like to join another group, and particularly when the government has such close ties with this union.

The parliamentary assistant to the Minister of Labour, Mike Cooper, said in his opening remarks for debate: “Everyone with an interest in CECBA agrees on the need for reform. It has long been desired by the government, as employer, and the public service unions which represent employees in the Ontario public service and affiliated crown agencies.” The employees have not been adequately consulted and most of them do not want to join the union.

The PA said the 2,000 that I've spoken about before “share a community of interest with an existing OPSEU bargaining unit.” Do you know what? I would suggest that a “community of interest” is Newspeak for forcing something down somebody's throat which is undemocratic.

Let's just turn to the question of strikes. This bill will allow members to strike as opposed to having binding arbitration. Here's the interesting thing: OPSEU has been on record since 1977 as wanting the right to strike, yet oddly, in a response to Bill 49, the bill that this supersedes, Fred Upshaw, the president of OPSEU, was less than enthusiastic. I'd like to just quote his words: “The right to strike is not a basic right for us, when we've been asking for choice. That's what we requested, but we're only being given partial choice.” Fred Upshaw was referring to the fact that OPSEU will lose its unilateral right to binding arbitration.

If Parliament worked the way it should work, I can tell you, I could go through this bill point by point and I could find some elements to support in the bill. But I cannot support the bill as it's written. Once again we have this obnoxious animal called an omnibus bill, which lumps together some of the things that we agree with and some of things we disagree with. But it's strange that OPSEU always wanted the right to strike and now they're being given it, they're not so sure that they want the right to strike if it means they have to give up the right to binding arbitration. Binding arbitration, as the government has pointed out, hasn't worked terribly well because the arbitrators have not been instructed as to what the parameters are within which they must work.

The public sector throughout Canada—it's not just a problem in this province. The awards to the public sector employees have outstripped the gains which have been made by private sector workers. It used to be, many years ago, that you worked for the public service in the full knowledge that you probably earned a certain amount less than the private sector but you had great security. Today, many in the public service have now outstripped the private sector.

Indeed, when this government came to power, in that first year in power, at the end of the year, when the opposition parties examined the books of the province, we found that the pay bill for the public service had gone up by about 14%. I know the government would say, “Ah, but we only gave”—I think the number was a 5.8% increase. But on top of that there were merit increases, there were promotional increases, there were increases for everything, which drove the end bill, which is really the number we have to look at, drove up the cost of the civil service, by 14%. That wasn't the right way to go. The

opposition parties told the government it wasn't the right way to go.

Now, in desperation, they're turning and they're saying, "Okay, we're going to give you the right to strike," and Freddie Upshaw is saying, "I'm not sure that I like that, because we still would like to have the right to binding arbitration." Perhaps there is a certain poetic justice in this. But strikes work against the public interest. Taxpayers suffer and there are interruptions of services. In a great many cases the public doesn't have a choice to go somewhere else for those services.

Would we like to turn the Ontario public service into something which approximates the service that the post office gives? I hope not, because the post office is an unmitigated disaster.

I know the absolute chaos that unions created in Britain. It took some pretty radical legislation to turn Britain around. Unions had got a hold of Britain in the worst way. It's maybe not fair to say unions; there were a few powerful and unreasonable unions. We in the PC Party recognize that the vast majority of people who work and are members of unions are very reasonable people. But among the large unions we have a powerful élite who are serving their own ends, and political ends, which are very closely tied to the governing party. That's why we're very suspicious.

The "essential services" clause which is incorporated in this bill is essentially unworkable. Section 22 defines it as "services that are necessary to enable the employer to prevent danger to life, health or safety, the destruction or serious deterioration of machinery, equipment or premises, serious environmental damage, or disruption of the administration of the courts."

Do we want strikes in the health services? We've already got some pretty serious waiting lists. Do we want to further block up the health service with this type of approach?

Do we want the revenue-gathering system of this province to be closed down due to a strike? We're already in desperate need of revenue, as the provincial Minister of Finance constantly reminds us, mainly because of the overspending of this government. They're running huge deficits which have to be paid to foreign bankers.

I'm reminded of the fact that this government had the dubious distinction last year of being the fourth-largest borrower in the international monetary markets in the world, only following the World Bank, which is in first place, the kingdom of Sweden, and the European Bank for Reconstruction and Development, which is to help the former eastern bloc countries get on their feet. And then Ontario, not the government of Canada, is the next-largest borrower in the world in the international monetary markets.

We rank up there in lights. We can go into the Guinness Book of Records as being one of the great borrowers of the world. It's a very dubious distinction which future governments are going to have to unravel. So I put it to you: Can we afford to have the people who work in the revenue service of this province be out on strike? Most

people have no alternative, in getting services that they're looking for, than the government services. Striking attacks the attitude of the civil service and depletes the morale of the civil service.

1750

I would like to point out the curious situation that during debates on the social contract legislation, the PCs brought forward an amendment to define "essential services," the content of which was essentially the same as the "essential services" clause in section 22 of Bill 117, save and except for reference to the courts. But surprise, surprise, when we brought that amendment forward, guess what? The NDP voted against our motion. But the government has decided it wants it in this bill.

You can't have it both ways. We said it was a good thing; you voted against it. You're putting it in your own legislation. Does that mean the government has come to a realization that the Tories were right all along, or is it saying it's wrong in inserting it in this bill? It will be interesting in further debate.

Mr Murray J. Elston (Bruce): We know you guys are right, like way right.

Mr Turnbull: My colleague from the Liberal Party says, "We know you guys are right." I would remind you of the old adage that the opposite of right is not left, it is wrong. I'll leave you with that.

Bill 117 defines essential services for some good reasons. The NDP ignored our advice during the social contract, and now they are finally realizing the light. But there's a discrepancy; there's a lack of consistency.

The Association of Lawyers and Officers of the Crown, a group of some 420 people, is concerned about being forced to strike to resolve collective bargaining issues. They don't want to do this. That same organization questions who would be deemed to be performing essential services and is concerned that there's no clear understanding of how the "essential services" definition will be interpreted and which of its members will be deemed to be performing essential services.

ALOC has quite clearly stated it prefers the arbitration system, and as I've said before, it's quite clear that the arbitration system needs work. We need to instruct the arbitrators on very clear parameters within which they can make an award, which should be consistent with the economic reality of the province.

We need to democratize unions, and the best way of doing that is to institute secret ballots on any strike vote. The PCs have consistently called for this sort of democratization. During the Bill 40 hearings, we put forward an amendment requiring such treatment and that it would be mailed out, but the government saw fit to turn its back on this.

There are problems with certification and decertification and the right to strike. We should not be transplanting the mistakes that we made in Bill 40 holus-bolus into the public sector. The NDP defeated the PC amendments, the amendments which would have clearly helped the revitalization of the provincial economy, and we have seen the devastation which has been caused by it, because companies, quite frankly, when they look at the provin-

cial economy and the legislation which binds companies, are concluding that Ontario is not a friendly place to come and invest in.

You can't measure that. That's the trouble. The government will say that's not true, and it always trots out the examples of where companies have expanded. Where companies have expanded has to a great extent been because of the success of free trade, and on the other hand, we have seen the government literally buying companies to expand here, with millions and millions of dollars, and that is the only way that companies are deciding to stay.

We should allow strike votes, the ballots should be mailed out to members prior to a strike vote and the members should be allowed to mail in a secret ballot by mail, to be counted confidentially by a separate, independent organization, so that you would truly have a reflection of the wishes of the members of the union instead of a small group of the leaders of the union, who are all a bunch of NDP hacks.

Turning to the whistleblower protection: Whistleblowing portions of the bill are being codified for the first time. It's interesting that we've had such delays in the legislation, since this was part of the NDP's 1990 throne speech. But I'm not really surprised that the NDP have dragged their heels on it because their government has been so prone to bad management that they don't like the whistleblowing but they're reluctantly having to bring this forward.

Bill 117 defines "serious...wrongdoing" as "an act or omission of an institution or of an employee" that "contravenes a statute or regulation; represents gross mismanagement; causes a gross waste of money; represents an abuse of authority; or poses a grave health or safety hazard...or a grave environmental hazard."

As I said in my opening remarks, if the Management Board was doing its job properly, there would be no gross mismanagement. Rather than having to create a counsel office for this, the proper checks and balances should be instituted.

Every ministry has an internal audit branch to keep track of spending of provincial funds. The previous Provincial Auditor, Mr Archer, surveyed all internal audit branches and deemed that they were defective and incapable of doing the jobs that they were supposed to fix. Whistleblowing counsel in and of itself is not objectionable because wrongdoing by any party, any government, deserves to be exposed. It's not going to get rid of brown paper envelopes, so don't worry, Murray, we'll still manage to get the brown paper envelopes.

This part of the legislation is less objectionable, but the trouble is it doesn't have any teeth in it. Why isn't the Management Board functioning properly? That's a question that we should be considering in this bill. We should consider that before we embark on any legislation. Has the government acted on the last three auditor's reports and cleaned up the serious problems that the auditor has pointed out? Frankly, I don't think so, because we're reminded that the last time the auditor came forward to us he refused to sign the province's books. He thinks you're cooking the books.

Instead of whistleblowing legislation, we need major changes to the Freedom of Information and Protection of Privacy Act. It's offensive that members of the Legislature, after many, many weeks of filing an FOI, get back paper where most of the text has been crossed out with a felt marker and it has been photocopied so it's almost impossible to use the information we get. This is the information that the NDP in opposition always used to say should be freely available to all of the members of the Legislature.

The latest little trick that they're trying is that they are charging members. They say: "Oh, well, that's quite an extensive FOI. We're going to send you a bill. Would you be prepared to pay \$5,000?" There's no money for the opposition parties to be able to pay that. This is information that belongs to the people of the province, the information that the government always said, in opposition, it was entitled to. But we're not getting the information; we're getting pages with more blackout than text on them and we're being charged for them because the government wants to slow us down finding out about its incompetency. It is absolutely disgraceful.

The Acting Speaker: Would the member relate his comments to Bill 117, please.

Mr Turnbull: Madam Speaker, this is exactly related to Bill 117. I'm pleased that you said that, because we're talking about the FOI being the proper vehicle for getting information out of the government, not brown paper envelopes. You don't need whistleblowing legislation if the government is functioning properly, but the government isn't functioning properly. That is the point. This legislation is toothless. It doesn't address the fundamental problem of lack of information for the opposition, quite simply because the government has so much to hide.

1800

Let's just turn to the question of political activity. Bill 117 broadens and defines the political activity rights of crown employees and incorporates much of Bill 111, the Public Service Amendment Act (Political Activity Rights), 1993, which they introduced actually on December 3, 1992.

Bill 117 states that crown employees engage in political activity when they do the following:

"(a) does anything in support of or in opposition to a federal or provincial party;

"(b) does anything in support of or in opposition to a candidate in a federal, provincial or municipal election;

"(c) comments publicly and outside the scope of the duties...on matters that are directly related to those duties and that are dealt with in the positions or policies of a federal or provincial political party or in the positions publicly expressed by a candidate in a federal or provincial election."

They are deemed to be involved in political activity when they do those things.

The restricted group under the present legislation limits deputy ministers, assistant deputy ministers, directors, most managers, senior financial and personnel staff, staff confidential to the senior management group, full-time members and chairs of agencies, boards and commissions,

lawyers, members of the Ontario Provincial Police and administrators of psychiatric hospitals. Those people are currently restricted. They cannot involve themselves in political activity.

Bill 117 changes this restricted group and reduces it down to deputy ministers and persons with the rank or status of deputy ministers, member of the OPS senior management group with a top-level salary range of \$80,000 to \$180,000, full-time heads, vice-chairs and members of ABCs, staff sergeants and other ranks serving as detachment commanders in the OPP.

I would like to just perhaps talk to you in a minute about a rather interesting article on this issue.

The main new allowable activities are: you can hold office in a political party if you're within the non-designated group now, post election signs, attend riding association meetings, canvass and solicit funds for candidates in provincial and federal elections. The current act prohibits crown employees from soliciting funds for the provincial or federal political party and canvassing on behalf of a candidate in a provincial or federal election.

The PCs really can't condone anything that compromises the public's perception of a bureaucracy which is neutral. We know that the NDP has seriously politicized the civil service and compromised its professionalism. The Ontario public service was always considered to be the envy of North America, perhaps the world, in terms of a well-trained, committed, neutral civil service.

There are not too many times that I ever compliment the Liberals, but in fairness, I must say this time the Liberals handled the transfer when they took over office in a very fair way. They made very little change to the public service. There were a few very senior public servants who they felt were perhaps too closely aligned with the previous Conservative regime, and understandably, quite frankly, they moved them out. I think that is reasonable for any government to do. It is reasonable so long as you don't bring in clearly your friends and cronies and put them in the senior levels of the civil service.

I would like to read into the record some extracts from an article called "Balancing Act." This was written by Gordon Osbaldeston and it's titled, "Political Rights and Public Service: A Balancing Act." It's from Manager's Magazine, fall 1991. I'll just read some extracts from this. It might be food for thought.

"...that free speech or expression is not an absolute unqualified value; other values must be weighed with it. Sometimes these other values supplement and build on the value of speech. But in other situations, there is a collision. When that happens, the value of speech may be cut back if the competing value is a powerful one. Thus, for example, we have laws dealing with libel and slander, sedition and blasphemy. We also have laws imposing restrictions on"—

Interjections.

The Acting Speaker: Would the members come to order.

Mr Turnbull: "We also have laws imposing restrictions on the press in the interests of, for example, ensur-

ing a fair trial or protecting the rights of minors or victims of sexual assaults."

"Chief Justice Brian Dickson's words are a cogent statement of the need, on occasion, to limit the rights of individuals when the exercise of these rights impairs our capacity to safeguard other values that we cherish. The neutrality and impartiality—real and perceived—of any public service require loyalty, not to a particular political authority in power but to the government of Canada. The concern that public servants be seen to serve the public effectively and impartially is a legitimate one."

From a further extract, "Without clear limits prescribed by law, there may be no legal basis for dealing with unacceptable public statements or political activity on the part of public servants."

Reading a little further on, "Stating specifically which types of restriction will apply to which level in the hierarchy—a technique already tried in other jurisdictions—strikes me as an administrative and legal nightmare."

A couple of other portions of it: "Public servants have willingly agreed to forgo many of the rewards and benefits of the private sector in exchange for the opportunity to serve their fellow citizens."

"In politics the perception, justified or not, of disloyalty breeds paranoia. This fear that the perceived impartiality of the public service will be damaged by political activity—whether or not it takes place—was given substance not long ago in Saskatchewan, when the Devine government took over from the Blakeney administration. It has been estimated that over 200 Saskatchewan public servants were dismissed between April 1982 and November 1982. And, of course, for every one dismissed, five or 10 others may have suffered damage to their careers. The result of all this was the demoralization of the Saskatchewan public service—and the cost of that was borne by the people of Saskatchewan."

"Under our system as it stands, a new government has the right to expect that the public service is impartial, neutral, competent and fair in its administrative functions. If an incoming government has cause to doubt it, it is easy to predict that it will behave as the Devine government did. Given that the Conservative government believed that the public service was seeded with NDP partisans, the blood-letting, both visible and invisible, was inevitable and understandable."

In a further section: "No employee shall at any time, without the approval of the public service commission, make public statements, assume responsibilities or undertake any activity of a politically partisan nature that would place in question the employee's ability to perform his or her duties in a fair and impartial fashion or that might create a reasonable perception that the employee is unable to perform his or her duties in a fair and impartial fashion."

This is a particularly salient article and it is reasonable that when a government comes in, it will want to ensure that the bureaucracy it inherits is going to function to implement its wishes. No matter how obnoxious they may be to the opposition parties, the government has a right

to expect that. But when you start appointing your cronies to the highest levels of the senior civil service, you then start pushing over the line so that it is no longer a professional, neutral civil service, and it becomes suspect and leads to the kind of inevitable and understandable "blood-letting," to quote Mr Osbaldeston, that occurred in Saskatchewan.

What better example of politicization of the Ontario public service than the appointment of David Agnew—
1810

Mr Robert V. Callahan (Brampton South): David who? Is that the guy who lives in Japan, in a house? His position has been cancelled.

Mr Turnbull: No, my friend has got the wrong name. An interesting thought, but wrong act.

David Agnew, who is the former campaign manager for the NDP in the last election, is now the most senior civil servant in this province. I think any reasonable, objective view of that decision is that it was wrong. I would suggest that any honest socialist would also agree.

Interjection: Where?

Mr Turnbull: My friend says, "Where?" I won't join that remark.

It is unreasonable to bring in the manager of the provincial NDP's election machinery and insert him into the most senior civil service appointment, because inevitably that man must go, and you to have to question all the other people he has brought in.

When we talk about the blood-letting that has occurred, we don't have a very good handle on it in Ontario. I'll tell you why, Madam Speaker. There are a lot of senior civil servants who have been dismissed with a golden handshake. We know this, but they won't put it on the record because there is a confidentiality clause in their severance agreement that they will lose their severance agreement, which is very lucrative to them, if they speak out and explain the circumstances of their dismissal and the golden handshake.

Mr Callahan: It's called a gag order.

Mr Turnbull: That is precisely a gag order, and that's what has happened in this province. We have had a huge turnover in the senior civil service. We're not talking about a few people who were just too closely aligned with the previous administration. God knows I had some troubles with the previous administration, but they, on the whole, maintained a neutral civil service. But this government comes in and goes roughshod over the civil service: Get rid of people, pay them off with taxpayers' money—it isn't their money; it's taxpayers' money—and put a gag order on them. Then they weed into the civil service these political hacks who will have to go no matter which party follows the present government. That is a serious problem, and it's a problem for several reasons.

You should be able to move into office and immediately start to implement your policies, but you cannot do it if you've got all kinds of political hacks in the senior positions.

The problem is that the taxpayers take it in the neck

again, because once again there will be severance packages. Quite frankly, I hope they're not secret severance packages. I hope they're very public severance packages and that the public understands why this is being done. It is to ensure that we get back to the level of neutrality and professionalism that the Ontario civil service enjoyed. Its reputation was unquestionably the best in Canada, probably in North America, and it certainly had a very good reputation in worldwide terms.

The PA to the minister, Mr Cooper, said, "We believe that this objective could be met while continuing to ensure the quality, integrity and neutrality of the public service." Well, the NDP, as I've said, has eroded the quality, the integrity and the neutrality of the public service by bringing in its vile political appointments.

We know that a neutral civil service is in the best interests of the province, but we very much doubt that with this legislation we will see a neutral civil service. We will see a further erosion of what has happened. We will see senior staff being pressured into supporting this party if they think they've got any chance of retaining their job.

Do you know what? I think some of the political activity clause will come back and haunt this government, because I have a sneaking suspicion that there's an awful lot of the civil service, as a result of this document, who are going to be helping the two opposition parties. I'm not going to come down and say they're all going to help the Conservatives. I think it will probably be split. But I suspect there won't be too many people who will be helping the NDP. So your own legislation is going to come back and bite you, and I would say, gosh, you deserve it.

Just winding down, we have a government which comes forward with ill-conceived legislation, an omnibus bill which truly should be three separate packages so that we can vote on the various packages on their merits rather than just voting against it all, because our party above all believes in contributing to the political process and offering alternatives.

I would suggest that if these bills were unravelled into three separate ones, perhaps we might be voting for some of it. But I've given you an understanding of the impact on the civil service, the potential that we might have strikes in this province which can further cripple the health services, and the fact that the whistleblowing legislation is totally inadequate, because in this whistleblowing legislation it calls for the very ministry staff who have the whistle blown on them to do the investigation. You have to have some independence.

If you're going to put teeth in whistleblowing legislation, then you would allow the whistleblowing counsel to determine the merits of a case. That person should be appointed jointly by the leaders of the three parties that we have in this province to ensure neutrality, and they should be given enough power to determine how serious the charge was and whether there should be outside investigation done of the whistleblowing rather than people from within their own ministry. These are the problems with the whistleblowing legislation.

We believe that strikes are not in the public interest

and we believe that the reform of the collective bargaining act is simply taking flawed legislation that this government has passed in the private sector and bringing it into the public sector, with the only difference being that they're talking about vital services. We talked about it in the past; they didn't want to know about it.

So, bad legislation with a few meritorious aspects to it, but too few to be able to weed through and do anything with it. Our party will be voting against it and we think the public should be sensitized to the fact that this government is in the process of making a huge political payback to OPSEU, the Ontario Public Service Employees Union, with probably about \$2 million worth of union dues that are going to be immediately forced into this union, with no choice. These people are told, "You're in the union whether you like it or not." Bad legislation. We'll be voting against it.

The Acting Speaker Further debate? Sorry: questions and comments first. Two minutes, the member for Yorkview.

1820

Mr George Mammoliti (Yorkview): It's not debate, is it? You're asking for questions or debate?

The Acting Speaker: Questions and comments, yes.

Mr Mammoliti: I'll deal with my comments when it's time for me to debate it.

The Acting Speaker: Are there any others who wish to have a question or comment?

Mr Mike Cooper (Kitchener-Wilmot): I'm sorry to hear the member opposite won't be supporting this bill, but I can understand it because we've had conversations and there has been a fair bit of consultation on this and it's something that's been around for a number of years. A couple of things I would like to raise are some of the difficulties he seems to have with unions.

He's talking about being forced into a union. Basically, what's happening with this is the people who were traditionally excluded who are now being brought in under this legislation, yes, they will be included in the bargaining unit where they should have appropriately been, but there is a process where they can disaffiliate after one collective agreement. They aren't being forced in there for ever; it's just something that's housekeeping to try to bring them in where they traditionally belonged.

About forced union dues going to the NDP, I am sure the member opposite has seen what's happened lately in the public sector and the private sector unions, where some of them have chosen, through a democratic process when they've brought it up at a union meeting, and decided to disaffiliate. There are no forced union dues going to the NDP. It's fair and democratic and it's brought up on the floor at union meetings.

His comment about lawyers being forced to go on strike: I might remind the member that strikes in this province are fairly rare. Most collective agreements are settled, about 95% of them, through the collective bargaining process, so nobody's being forced to go on strike. Basically, what's allowed now, as a last resort, is they can withdraw their services, which is what a strike is. Rather than having an arbitrator sitting down, where

he has no vested interest in the whole thing, making a decision, now you have to have responsible bargaining where the employer and the employee sit down and they do usually come to a fair settlement for the two.

As for the neutral civil service, if you take somebody like my father, who used to be a correctional officer, he used to be restricted from political activity. We still have a section on restricted employees, and I think that should take care of the neutral civil service at the top end.

The Acting Speaker (Mr Noble Villeneuve): Further questions or comments?

Mr Callahan: I want to say that anything that allows whistleblowing is a very worthwhile endeavour. It's unfortunate that it did not take place in terms of legislation before the New Democratic Party, the Premier in charge, had sent out the OPP, which should be probably looking after our highways and after other things, to investigate members of our party because they got plain brown envelopes through the mail. That's what democracy is all about.

I've had very fine people in the campaigns I've run and there have been many of them—two of them unsuccessful. I happened to run against too much of a heavy, I guess, the Premier of this province. But when I won, there were people in the civil service who wanted to work for me. They wanted to put signs on their lawn and they couldn't. They were gagged. I thought to myself, in a democratic society, that's not proper really; that's unfair. These people were only getting half a loaf. They paid the taxes but they weren't given the opportunity to select the candidate or work for the candidate of their choice.

I have to say, I hope this legislation is true and will work because all the indications I've had, and my party and the third party has had, in terms of what goes on in this Legislature when a plain brown envelope shows up, immediately the OPP are dispatched to go and interview these people. If that's their idea of whistleblowing and their idea of a free and a democratic society, they have a lot to learn.

I think the people in 1995 will tell you what they want to hear, because I think you people will be absolutely decimated. Just to make sure it's on the record, because I asked Pat if she'd write it down, I told Ed Philip he's toast. I bet him \$50, and I'm doing that right on the record, that he will not be back here. I will bet there will be two members back, a pair, just like in Ottawa. It will be Peter Kormos and the fellow from Hamilton. That's it. I predicted it, you heard it, Don Cherry telling you what's going to happen in 1995.

Mr Mammoliti: I can't understand how a member could stand up in here, first of all, and say he's betting against another member, and \$50—betting money in this place—that they're going to lose the election, yet only 45 minutes ago that same member stood up and voted opposed to casinos. I can't understand it.

As for the comment made by my wonderful friend across about political hacks, the Conservatives should talk about political hacks. I've been told in the past, and I have heard, that when the Conservatives reigned for all

those years, you weren't able to get a job in the public service without talking to your MPP first, without a recommendation. I ask that member, is that true? I've been told that those glorious years of capitalism in this province were set up by a number of Tories. Is that true? I ask my good friend the member across, Mr Turnbull. Is that true? What is it?

Mr Turnbull: York Mills.

Mr Mammoliti: York Mills. Are there still some Tory hacks in the public service? They may even be stopping us from doing our job or not listening to us when we recommend any policies. I have been told that there are. Don't stand up here and talk about political hacks when your government was and still is as guilty as any other government.

The Acting Speaker: We can accommodate one final participant in questions or comments. The member for York Mills has two minutes in response.

Mr Turnbull: Just a few thoughts on my friend the member for Kitchener-Wilmot, the parliamentary assistant. We talked about forced unionization. Yes, it is true that this legislation allows to disaffiliate after one round of bargaining. My question to you is, why force them in in the first place?

I've talked to these people very extensively and they've said, "We don't want to be in OPSEU." They're saying that they did not have a very thorough, satisfying consultation process. I understand that I come from a different philosophical bent from you, and we both acknowledge it and I respect that, but the point is that societies where you force people to be in organizations are not very healthy societies.

I'd like to link my comment about not forcing people in with the question that was asked by my good friend from Yorkview. He talked about was it true that at some point you had to get a letter from the MPP to work in the civil service. George, I don't know. Quite frankly, I came to live in Canada in 1969. I haven't been involved in the political process. I don't believe that in any of the time I've lived in Canada that was the case. What happened 40 or 50 years ago, I don't know. Do you know what? I don't even care, other than to say that if it happened it was despicable.

We are seeing what happens on the east coast. When they change governments they practically change their underwear, because everybody, all of the staff, gets changed, and that's not good.

The Acting Speaker: The member's time has elapsed. Further debate?

Mr Mammoliti: All those people Mr Turnbull talked to who don't want to belong to OPSEU, if you ask them the question in terms of their benefits and all of the wonderful pensions and retroactivity and anything else, the bargaining rights and health and safety and everything else that unions bring with that membership, they would probably say that they want it all, but they don't want to belong to the union. I'm willing to bet that those people Mr Turnbull talked to would all say that. It's a shame that he didn't respond and maybe even ask the questions in terms of how they responded.

We are debating An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act. It's time we did that, and I'm going to go into my logic and my argument as to why. But first I want to touch on a comment that others have made in this place in terms of this government paying back the unions. It's got absolutely nothing to do with paying back the unions. It has absolutely nothing to do with that whatsoever. It has to do with rights. It has to do with rights that a number of us have talked about for years and have screamed about for years in some cases.

1830

Interjections.

Mr Mammoliti: There are a couple of members who seem to respond when I say that. I say to those from the Liberal side, remember what the employees were asking you to do when you were there. I happened to be one of those employees at the time and I remember quite clearly what the responses were. Every time we knocked on one of their doors the door was slammed in our face. I believe in those rights, and it is a commitment to a degree from this government; it is a commitment to labour. We are the labour voice, we always have been and we will always will be as far as I'm concerned.

Interjection.

Mr Mammoliti: Yes, some will say that there are some problems out there. People don't agree with some of the things that we've implemented. I agree with that. There are some problems out there but we are still the commitment to labour. We are still the party for labour and we always will be.

For those who will argue that we aren't, I want to remind them about Bill 40, I want to remind them about our commitment to do away with replacement workers and I want them, especially those who are taking notes right now, to ask the Miracle Mart employees, for instance, how they feel about Bill 40 and the commitment that this government had made about Bill 40.

This Bill 117 is a commitment to labour and I don't have a problem with that. I don't have a problem with that and I will never have a problem with that. I stand in this place and I am the voice of labour; I will continue being the voice of labour. I've learned a lot. I've learned that you can't even give labour all that they want. Reality says that we have a province to run here and we need to talk about things. I've learned that. But this is still the voice for labour and it's a commitment. Bill 117 is a commitment.

The wage protection fund that this government set up is another commitment to the working person. All of those people who were laid off because their companies, their factories have shut down and moved to Buffalo or moved to some other area in North America because free trade is allowing them to do that, the \$5,000 that is given to those employees was a step in the right direction. It was a commitment from this government, a commitment from the government. I don't have a problem with that. Bill 117 is another commitment to labour that I'm proud of.

Increasing the minimum wage was another commitment to labour. It was a promise that this government had made and committed to. I don't need to get into that. I can tell you there are people out there who are happy that we did that and reap the benefits of a little more money, a little more compensation for the work they're doing.

Pay equity, employment equity are all promises that this government had made and commitments to labour. I don't have a problem with commitment to labour. Bill 117 is another commitment to labour—

Mrs Barbara Sullivan (Halton Centre): To union bosses.

Mr Mammoliti: —and I don't mind. I don't mind and I hear a heckle saying "union bosses." Well, it has absolutely nothing to do with union bosses. It has to do with rights. It has to do with an employee's rights, a public service employee's rights. That's what it has to do with, nothing else. They will stand up and try to confuse the issue and they will have people at home who may even believe what they're saying in terms of payoffs and union leaders and everything else, but if you really listen to what they're saying, they're only scooting around the issues, scattering all kinds of verbiage, all kinds of garbage, all kinds of things that are unbelievable. It is a commitment to labour, and I don't have a problem with that.

Bill 48, the social contract: That was for labour, and I will continue saying it's for labour. We saved 40,000 jobs. It might be quite some time before people actually realize that. When I spoke earlier about some people not agreeing with what this government has done, they're not agreeing because they just don't seem to understand at this particular time. Maybe that's my fault. Maybe that's some of our fault in terms of how we get the message across. Maybe we need to improve in terms of communication. But Bill 48 saved 40,000 jobs, and for me, that is a commitment to labour.

Algoma Steel: Was that not a commitment to labour? **Jobs Ontario:** Is that not a commitment to labour? All of those individuals, those construction workers, before Jobs Ontario was announced, were waiting at home by the phones for their supervisors or their foremen or their owners to phone and say: "Bill, Joe, Bob, Sam, come on down. We're ready to start a new project." They were at home by the phone waiting. The Rae government at least is giving them some hope with Jobs Ontario. That's a commitment to labour, and I don't have a problem with that.

And de Havilland: Was that not a commitment to labour? How many jobs did the Rae government save? I pose that question to future speakers. And of course the subway extension: all kinds of work that I'm hoping will bring back all of those construction workers who ultimately would have been by the phone waiting for their employers to phone and give them some hope. Jobs Ontario did that for them.

Bill 117 is a commitment to labour, and I don't have a problem with that, not one bit. The reform that Bill 117 brings in does a number of things, and it was talked about.

It extends political activity rights for crown employees. Let's talk about that for a second, because it is controversial. Should a public worker have the right to join a political party? Should that worker have the right to talk about politics? Should that worker have the right to put up political signs or hand out political literature?

The answer is yes, but the debate that has always gone on is, should they do that on company time? I don't think they should. They never have been allowed to and I don't think they ever should be allowed to. What this does, however, is give them the right to not worry about putting up a sign or to not worry about being seen canvassing for a political cause and getting fired because they're doing it, get let go because they're doing it.

The Liberals didn't want to bring this in because the Liberals knew they were never the voice of labour. They were never the party for the workers and they have never, ever committed to the needs or the wants of these types of employees. I can remember knocking on the Liberals' door as early as—what?—seven years ago, six years ago, and the door was always closed in my face, always slammed. Why? Why shouldn't public employees and crown employees have the right to speak politics? Why shouldn't they be able to join a party without being afraid that they're going to get fired? This Bill 117 allows them to do it.

1840

Mr Callahan: Why do you investigate every time a brown envelope comes through the door?

Mr Mammoliti: I hear the murmurs. They're getting upset, and I understand why they're getting upset. They know that they've never been the voice of labour. They know that they have never cared for the crown employee. They know that the crown employee has been asking for these changes, these amendments, for years. They know that crown employees have wanted the right to strike. They know that. They know that because they remember the rallies. They remember the committee hearings in this place just a few years ago, when we all came down here, a number of us, and talked about the changes. They remember the rallies out front. But they don't want to admit that they are not the voice for labour. The Liberals never have been the voice for labour. They pretend to care about some of the issues, but they've never been.

Mr Callahan: How dare you say that you represent the rank and file? You don't. It's the leaders who want to keep their cushy jobs; that's who you represent.

Mr Mammoliti: Mr Speaker, I hear some gurgling. I hear somebody choking.

The Acting Speaker: Order, please. Interjections are out of order. The member for Yorkview has the floor.

Mr Mammoliti: Civil servants have never been able to canvass. They have never been able to canvass in an election. They could never take the time at night, no matter how they felt about whatever political party. Whether they wanted to belong to the New Democrats, whether they wanted to belong to the Liberals and help the Liberals or whether they wanted to belong to the Conservatives, they were never able to do the door-knocking or the canvassing that—

Mr Callahan: I've got news for you. They did.

Mr Mammoliti: I hear a heckle saying that they did. Maybe they did, but there's some argument, with the current system and with the current piece of legislation, that it may have gotten those individuals in trouble at the workplace. They may have been fired, and there is some argument to that with the legislation the way it is now. But with the reform, they don't have to worry about getting canned. They don't have to worry about getting fired. They don't have to worry about their job. Why? Because the Rae government does care about the voice for labour and does understand that rights mean a lot to workers.

Interjections.

The Acting Speaker: Order, please. The member for Yorkview has the floor, very legitimately.

Mr Mammoliti: Thank you, Mr Speaker.

Whistleblowing, I believe, is essential. Whistleblowing is very important to crown employees, is very important to public servants, is very important to those who know something is going on, have known for quite some time, only aren't too sure about how to get it out into the open without getting fired. Whistleblowing is important to employees who might think that if they say a little bit too much, they might end up losing their jobs. We need the whistleblowing legislation, and Bill 117 does that. It sets up a mechanism that allows employees to be able to do that without any worry.

There has been some debate in terms of how that mechanism will work and how it should work, and I'm quite willing to listen to some of that argument because I'm not too sure that it's the best possible way. My ears are open. I'd certainly like to hear a little bit more of that.

There's another question that comes into play in terms of the definition "serious government wrongdoing." Of course, the whistleblowing legislation says that they could whistleblow if they consider it as being serious government wrongdoing. The act defines that, and the definition would include violating a law or regulation, something which "represents gross mismanagement; represents an abuse of authority; or poses a grave health or safety hazard to any person or a grave environmental hazard."

Does this stuff happen in government? Does it happen in the public service? Does it happen in any jurisdiction that might be classed as a crown agency? I would bet that it does. I know that it does. When I was there, I certainly wasn't afraid of reporting wrongdoing, but there are some who are afraid and are afraid to lose their jobs.

This piece of legislation, Bill 117, will give the rights to employees that only this government can give them, because the Liberals didn't want to do it. The Liberals were never the voice for labour. They know that. I'm sure they're going to respond to that in a few minutes, and I can't wait to hear it.

The Grievance Settlement Board: The Grievance Settlement Board has worked in the past, in my opinion, with my experience at the Grievance Settlement Board tribunal. They've been fair. The only criticism I have about the Grievance Settlement Board is that it just takes

too long. The process is just incredible down there. I can understand why the unions are upset at that. I can understand why crown employees are upset at that. I can understand why they would want this procedure, this type of an office, to be more of a fast track to expedite some of the grievances that even exist there at this point. That's all we were asking for when I was there.

I understand that Bill 117 brings in what some would consider drastic change in terms of closing down that office eventually and bringing it under the scope of the Ontario Labour Relations Board. From some discussions that I've had recently with some of the crown employees I know in some of those unions, I understand that they really don't mind the changes.

The costs will be shared. In the past, in terms of arbitration and the tribunal itself, the unions have never really had to worry about cost and the employer has never really had to worry about cost, because it was all covered. This legislation says: "We're going to provide a fast-track system for you, a more expedited way of doing things. However, you've got to share the costs." Again, in talking to some of these people, they don't mind doing that one bit. That's a very important item, because you will get some argument from people who say that they don't want to pay, that they've been used to the system the way it is and they want the government to continue paying for this type of system.

I've got some mixed feelings about that. I'm hoping that this might not put workers in a position where they may not have money and may have to rely on borrowing, or even just getting rid of some of the existing grievances that might be there. That will definitely hurt the grievors in some particular cases, or in a case where they're negotiating, for instance, a collective agreement and in the event that they need an arbitrator to deal with their particular problems, if they can't afford it, that might pose some problems for the workers. I don't think in this particular case the managers have anything to worry about; I think it's the workers. That's the only concern I have with that.

1850

The right to strike has always been something that employees have wanted, not because they want to strike, not because they look forward to holding pickets and stopping any sort of activity in the workplace; it's because it gives them a sense of clout, to be quite honest with you. I speak as an employee: When I was a crown employee negotiating collective agreements, I always had a problem with not being able to strike, not being able to go into a discussion and really—

Hon Allan Pilkey (Minister without Portfolio in Municipal Affairs): On equal footing.

Mr Mammoliti: On equal footing, as my colleague says. In the past with some of these crown agencies, it's been a 9-to-5 negotiation. It starts at 9 o'clock and finishes at 5. Why? Because they don't feel obligated. I don't say the unions don't, because the unions and the employees have usually wanted to stay till all hours of the night to negotiate, but the managers and the employers who were at that table didn't see the need. Why should they stay till 4 or 5 o'clock in the morning

to deal with a particular collective agreement when they knew they didn't have to? "If this doesn't work, we'll always apply for arbitration. We'll always ask an arbitrator to deal with it." You tell me what clout any union would have with a set of negotiators like that.

I can remember trying to negotiate a number of collective agreements and being frustrated as hell at the people across from me. Why? Because they didn't really understand, didn't want to understand the necessity of the ongoing talks. Anybody who negotiates will know that the more you talk, in a way, the better it is. The employers who were sitting across from me certainly didn't know how the union felt, certainly didn't know how the employees felt and quite frankly didn't care.

Having said all of this, I have to say to you that the tribunal has been fair in terms of its rulings in the past and I can't deny that. The tribunal has been fair. However, again, it's a lengthy process and employees are having to wait up to eight, nine, 10, 11 months for a decision. If anybody has that experience in this place, he or she will know it could be very devastating to a family that is waiting for an increase of any kind.

I have a criticism of this piece of legislation. I think we could be taking it one step further. In terms of defining "essential services," for instance, I think there's some argument to perhaps even classifying other agencies as crown employees.

There have been some arguments in the past that the TTC drivers, for instance, should be classified as crown employees. I see the Minister of Transportation look over at me, but there has been some argument in the past. People feel that the TTC is an essential service. People feel they should be classed as crown employees. That's a suggestion I'd like to make at this time, because I think maybe there's some validity there. I think maybe they should be.

Hospital employees are another example. I've had people come up to me and ask me why they aren't, and there is some argument to that as well. University or college employees: there is some argument to that as well. There are some things that I am concerned about in this piece of legislation, and maybe we should be taking a look at defining "essential services." At this point, the definition of "essential services" is services that are necessary "to prevent danger to life, health or safety, the destruction or serious deterioration of machinery, equipment or premises, serious environmental damage, or disruption of the administration of the courts."

Who is classified as an essential servant? That's the question. Should TTC drivers be classified as an essential service? Should they be crown employees? These are all questions we need to answer. These are questions that I pose because I do have a concern with that, and it's not something that's new. I've had those concerns for quite some time now. There is some argument in terms of why LCBO employees, for instance, are classed as crown employees.

Mr James J. Bradley (St Catharines): LCBO? Look at the ad here.

Mr Mammoliti: LCBO, yes, why they are classed at

this particular time as crown employees. Is that an essential service? We need to look at all this stuff. We need to redefine and that's a concern I have.

Bill 117 is a commitment to labour. In my books, it is. I have been pushing for a bill like this for a number of years. I'm glad it's here. I'm glad it's the New Democrats that have introduced 117. I'm glad that we are still the voice for labour and I'm glad that we will continue being the voice for labour. I would ask the Liberals at this point to remember the amount of door-knocking and the amount of picketing and the amount of committee work that has gone on in the past here.

A question that I pose to them is in terms of whether they feel they are even the slightest bit the voice for labour, and in this particular case they have never been, they never wanted to be and they have never listened. This government has listened. This government has sat down with these employees and has said: "What do you want? How's the best way to give it to you? Do you agree with this particular process?"

The answer from these employees and from these unions is: "Yes, this is what we want. We want the New Democratic government to do it, because the Liberals didn't want to. We're proud of the way you're doing it. Keep up the good work. You are the voice for labour. You will always be the voice for labour. Nobody else will be the voice for labour." Their track record will prove it, especially in this case when we talk about the changes to CECBA, when we talk about the whistle-blowing, when we talk about any of this stuff. It's the New Democratic Party that cares for labour, and nobody else.

1900

The Acting Speaker: Questions or comments?

Mr Callahan: I find it offensive when the member speaking—I enjoyed his speech somewhat—talks about labour only voting for the New Democratic Party. That may be the message that he gets, but I have to tell you that I have a lot of very good, hardworking labour people in my community who are friends, supporters, who didn't vote for the New Democratic Party, thank you, and I am sure they won't vote for the New Democratic Party in the next election. You people have betrayed those people with Bill 48, and they know it.

I heard Buzz Hargrove this morning on one of the—

Mr Bradley: Yes, he was on Morningside with Peter Gzowski.

Mr Callahan: Yes, and he was telling Peter Gzowski about it in no uncertain terms. He said, "Bob Rae has got to resign." He said, "The man has lost total credibility within the New Democratic Party community." So I find it really offensive when you say that the labour movement never supports any party other than the New Democratic Party. That's total hogwash.

There are people out there who are committed to paying their dues to the union which then channels them to you. They don't want to do that. In fact, they challenged it in the courts, but they lost. But the good people in my community who work in the labour movement, who are hardworking individuals, have totally lost faith

even if they supported you, because you said, "Tax the rich and look after the poor." With the casino bill that you passed today, you are taxing the poor. You have totally turned around any commitment you had to any social programs. You people deserve to be turfed out of office.

Mr Randy R. Hope (Chatham-Kent): I was listening to my colleague talk about the negotiating process and the public sector union not having the availability of the opportunity of striking, and it made me think. I was reading today through the fine news clippings that are provided to us, and I see it says "Chrétien to Seek NAFTA Approval." How is Jean Chrétien going to negotiate something when he has nothing to negotiate with? It makes me say, how can you negotiate something when you have nothing? That's what my colleague was talking about today when he said there's a labour representative going in there and trying to negotiate a collective agreement and never had the availability.

I'm questioning, especially when I read in the paper where he said, "We renegotiated." I'm trying to find out what Chrétien renegotiated, because my colleague had tried to make that very clear today, that without the availability of an opportunity to strike, to remove the workforce, he had no powers, and I'm sitting here reading this column. My colleagues probably can relate to this news article that is in the paper, where Chrétien is going to try to get cabinet approval and pass the legislation for NAFTA, which will probably erode a lot of our workforce that is out there.

These are things that I know my colleagues in the public sector can relate to, and we in the private sector who have been involved with free trade and other things can relate to. I find it very interesting, and I must repeat it: How can you renegotiate something when you have nothing to negotiate with?

When my colleague stands before you and speaks of the public sector union, which I've never been a part of, having no tools to really sit down and negotiate with, I wonder how Chrétien feels when he has no tools to renegotiate NAFTA, but then is still putting it before his cabinet and before this country and saying, "NAFTA will go ahead as presented," with his renegotiated ideas that he has but nothing to negotiate with. I just pose that to my colleague and maybe he can say how Chrétien really tried to renegotiate something and he had nothing to negotiate with.

Mr Bradley: As usual, I'll keep my comments in the realm of provincial jurisdiction, to which I was elected, and keep them under two minutes because of the time limitation.

One of the things I noted that I find very amusing, of course, is the fact that the member who spoke previously mentioned all of the things that the New Democratic Party had done for those in the trade union movement. I thought he might perhaps have forgotten—I'll help him out a bit—that they had spent their time this session breaking strikes, which I thought was always something the NDP was very much opposed to. In fact, over the years I listened with a good deal of care to many impassioned speeches from the New Democratic Party mem-

bers when they were on this side of the House and denounced successive governments for bringing in legislation which would force people to go back to work.

I think the teachers in east Parry Sound, and previous to that in the Sarnia-Lambton area, were certainly victims of a bill which was brought in by the NDP government, the government which claims to be very pro-labour, a bill which ended up breaking the strike.

I understand very well why it was done, because it had to be done in years gone by when the education of the students was in jeopardy. But on all of those occasions the New Democratic Party voted against that legislation. Now that it is the government, as I say, the NDP of principle is somewhat different from the NDP of power. I understand that, but I just find it difficult to understand how my friend who just completed his remarks is in a position then to claim that he is the spokesperson for labour, that he and his party alone are the spokespersons for labour when in fact they have abrogated contracts and in this case have ordered workers back to work. In other words, in other jurisdictions this would be called strikebreaking.

The Acting Speaker: Thank you. We can accommodate one final participant. The member for Yorkview has two minutes in response.

Mr Mammoliti: First of all, I want to thank the three individuals who stood up and responded to my speech. The member for Brampton South talked about my comments in terms of labour only voting New Democrat. I never said that labour only voted New Democrat. At no time did I say that. I said that we are the only voice for workers and that the Liberals never were, the Conservatives never were, and they never will be. One day those workers, as many as they are, even some of those union leaders, will step back, they'll shake their heads and they'll say, "Yeah, New Democrats are, and their track record will prove it." That's what I said.

There are still some people who vote Liberal. I'm sorry; I have to give my condolences to those individuals. One day they will recognize who the voice for labour is and who really cares about them at work. We are, nobody else. Don't even pretend, Liberals, that you care for workers, because you don't.

I want to thank Randy Hope from Chatham for his comments. Yes, Chrétien had said in the election that NAFTA was important. He said that the airport was important to him. He said he was going to try and renegotiate all of this stuff. What's happening now? NAFTA is going to get pushed through. What does that mean for jobs here in Ontario? Exactly what it has meant in terms of free trade over the last little while. We're going to lose it. We're going to lose it to the States, we're going to lose it to Mexico, and why? Because Chrétien is a friend of labour? No. Chrétien is not a friend of labour, and neither are any of those people over there.

The member for St Catharines, thank you very much. Maybe we should class teachers as an essential service. I would probably vote in favour of classing them as crown employees. Maybe that's something we should do. Maybe we need to look at their responsibility—

The Acting Speaker: The honourable member's time has elapsed.

Mr Mammoliti: —to their students and the parents in their communities.

Mr Bradley: I had not planned to speak at any length in this debate, but the member for Yorkview has raised a number of issues that I think are of great significance and should be canvassed in the very few remarks that I have this evening, which should allow members still time to go and watch *The Simpsons* at the conclusion of my remarks.

First of all, I want to deal with the issue that I think the member for Yorkview just finished with. I have always found it hard to take when members of the New Democratic Party claim to be the only spokespersons in the world for so-called—as they would refer to people—working people. I refer to a lot of people as working people, a broad spectrum of the population as working people, as opposed to a narrow definition.

I have found that members of all three political parties represented in this House have from time to time raised issues which are of concern to those who are members of trade union movements and those who aren't fortunate enough to be served by and represented by trade unions. I think it's unwise of members such as the member for Yorkview to suggest that only he and only his party can speak for labour.

If we look at the results—and I'll diverge only very briefly into a federal reference because I believe we should stay with provincial reference. But the last federal election, the New Democratic Party, which is the party which features itself as the spokespeople for labour, got about 7% of the vote in my riding of St Catharines, and I think across the country somewhere around that amount. Well, the people who belong to trade unions in this country are far greater than 7% of the population, so they obviously didn't agree.

On many occasions the New Democratic Party has spoken eloquently on behalf of labour. The present Minister of Labour, when he was in opposition and even many times when he's been in government, has been an eloquent and ardent spokesperson for labour, but others in this House have spoken out on issues that are important to working people in this province, and I hope that all of us will always keep them in mind.

I prefer to think of myself as a spokesperson for individuals within my community, whether they're from labour or from business or the professions or any particular field, whether they're retired people or whether they're very young people who are not yet in the workforce. I like to think of myself as a person who speaks for those individuals in various circumstances. I have had the opportunity on many occasions to fight causes, along with other members of the House, on behalf of people who are working people in this province because I felt they were certainly deserving of that representation.

1910

I also believe that we, as members, by and large should be representatives of those who cannot easily

represent themselves. There are very powerful people, there are very wealthy people within the province who certainly don't need my representation. Because of their status within the economic community and the social community, and with the levers of power they have at hand, they are certainly not as needy of my services or other members' services as others would be.

Looking at the various legislation which has come forward, I look at this as being—I don't use the word "payback"—almost a companion piece to Bill 48. Bill 48 was very difficult for many in the public service unions and some in the private sector unions to agree with and to accept. Why they're more genuinely angry, I guess, at the NDP government than they might have been at other governments is that they did genuinely expect that what the member for Yorkview said was true: that they could count on members in the New Democratic Party through thick and thin, through tough times and easy times, through good economic times and difficult economic times, to represent their best interests; that it would not abrogate contracts, that it would not pass back-to-work legislation, which they would call strikebreaking, that it would not impose upon the public sector policies which would result in job losses and pay and benefit losses to them.

They do feel betrayed in many cases, and that's why it's probably harder for the members in the New Democratic Party government to sustain this. I have not gone out with any particular group and raised the expectations that very difficult measures wouldn't have to be taken, but I think there was a feeling out there that the New Democratic Party would stick by them, stand shoulder to shoulder with the workers of this province in the public sector, whether we were in very difficult times or not. I think that's probably why, my analysis would be, they feel particularly betrayed in this case.

I understand the difficulty the government's going through. It is not an easy time to govern. I'm fairminded enough to say that. I may disagree with many parts of Bill 48 and some of the other things the government is doing, but I understand these are not booming economic times and sometimes some of the measures are going to be necessary. The Premier tried to defend that this morning on Morningside after Buzz Hargrove expressed, legitimately, his point of view about the performance of this government as compared to the principles on which this government was elected and for which it stood.

I must say that when I listened to Peter Gzowski after, he was certainly very fair to the Premier. He did not interrupt him and he allowed the Premier to make his case as only the Premier can: not with as much accuracy as I would like, but of course he wasn't challenged on that occasion. After all, we were dealing with the public network, the CBC, at that time, my favourite network in terms of covering political events.

I want to deal with a couple of aspects of this bill as well. One of the aspects I want to deal with is—

Interjection.

Mr Bradley: Not Murray Weppeler; I'll deal with Murray Weppeler later.

One of the things I wanted to deal with was that a lot of people in the public service—and I know members of the governing side would want me to deal with this—have said, “Well, you know, you MPPs,” and they kind of put us all in the same category, “are out there imposing hardship on those of us in the public service when you indeed continue to get big raises and very good benefits.” I’ve had to explain—

Hon Gilles Pouliot (Minister of Transportation): Six years.

Mr Bradley: The Minister of Transportation is showing six fingers; that is, six years. I recall reading the Bible on many occasions and I remember the six lean years.

Hon Ruth Grier (Minister of Health): Seven. Obviously you did not read the Bible that often.

Mr Bradley: There were more than six; there were actually seven lean years and seven good years. There were five good years at least—that was previous to these years—at least five years, three months and four days that were very good.

What I have explained to these people is that, yes, the government is imposing upon many people out there some real restrictions—

Mr Stephen Owens (Scarborough Centre): Jim, please don’t represent me. Please.

Mr Bradley: I’m speaking on behalf of Mr Owens now, who is heckling me. I know that Mr Owens and others, members of this Legislature, have had their pay frozen for six years. If you listen to the talk shows around the province, I’ve never heard it said that members of the Legislature in 1990, 1991 and 1992 had their pay frozen. In 1993 it was cut by 5.5% and frozen for three more years. This includes the Premier of this province; it includes cabinet ministers; it includes individual members of the Legislature. I think it’s important for people to know that these restrictions have been imposed, that others have shared in that, and I’m sure a lot of people don’t know that.

Mr Gilles Bisson (Cochrane South): On a point of order, Mr Speaker: I’m thoroughly enjoying the debate that the member across the way is entertaining us with tonight, but I would like to hear some mention of Bill 117 in regard to the business before the House.

Mr Bradley: I thought the member for Cochrane South would be pleased to hear that his constituents would be able to know that he has taken a pay freeze for six years, and in the middle of that has had his pay cut by 5.5%. I thought he might want that to be known to the viewers and to be on the record.

Dealing with the bill, however, I am very interested in the whistleblowing provisions, because we’re now into the fourth year of this government. It has taken the government four years—it’s in its fourth year—to put this bill before the Legislature and to have it debated.

I have been concerned for some period of time with the government employing the OPP—some people have said the Ontario political police. What has happened is, when there have been leaks of government documents, when people have been very concerned, for the reasons

contained in this bill, about the way the government is performing, they have sent brown envelopes over to this side of the House and to the public service and to the media, who are performing a public service at all times. As a result, someone in the government—the Premier is the boss of everything, so he must ultimately assume responsibility—sent the OPP, sicked them on the opposition. They showed up in the office of the House leader for the opposition, Murray Elston, the MPP for Bruce, and they showed up in the member for Halton Centre’s office demanding, “Where did you get these documents?”

Even the last document that escaped, the one which was associated with casino gambling, the OPP were out investigating again. How did that document get out that said that the real target of the casino in Windsor would not be the economic élite, but rather middle- and lower-income people? How did that document get out?

One thing I’m glad to see in this legislation, even though it’s three years and some months too late for these circumstances, is that finally we’re going to see those people protected, because they have certainly been intimidated by a government that doesn’t want any of these secrets to get out to the public, that wants to keep them under wraps. So you will find my strong support for that provision of the bill which relates to the ability to whistleblow.

A second is political activity. I have one concern about political activity. I’m a bit of two minds on it. I really have thought that civil servants should not be overly restricted, that particularly the people who are not in the management end of the civil service should not be overly restricted in their ability to campaign. When I was a teacher, it certainly never stopped me from campaigning, even though I was in the public service, I guess you would say. But it never prevented me from being politically active, either municipally or federally or provincially, and I thought that was very, very useful and very, very helpful.

Hon Mr Pouliot: As a taxpayer, I want to know how long you were a teacher.

Mr Bradley: I’ll give the Minister of Transportation some time later to make representations.

But I think now that this is timely, because I can think of many members of the public service who are eager to get involved in the political process at the provincial level, and I think we all know why. They have been very interested in the fact that we’ve had some legislation passed which has been detrimental to them. They have seen some of the activities of this government and they’re eager to be able to participate in a change of government. I’m happy to see them with that opportunity to participate.

One part of it I am concerned about is the part about the civil service becoming politicized. One of the things I didn’t like observing out west was that when a Conservative government or a right-wing government was tossed out of office, all the senior civil service would be cleaned out and they’d bring in all the socialists or social democrats. Then the senior civil service would change again when a new government came in.

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In Ontario, we have been proud to have a relatively non-partisan civil service over the years. Even when the Tories were in power, I felt that the senior echelons of the civil service and other parts of the civil service were generally non-partisan. There were some examples I could see, but at the same time I knew others who were members of other political parties or who supported other political parties.

When I saw David Agnew, the Premier's campaign manager, put in as the top civil servant and I saw some of these people coming in from out west where the NDP governments had been defeated, I thought, "I hope this government isn't trying to politicize the civil service." But certainly we have seen some evidence of that. Do you know what that means? That means that when the government changes hands, there's going to be a desire on the part of the new government to look at that civil service and say, "Are these people going to be loyal to the citizens of Ontario or are they going to be loyal to their ideology?" and they're going to want to remove them. I don't think that's really that good for government, although I'm sure many of the people will be retained.

Because we're on this whole subject of political activity, I've always felt that individuals should make contributions to political parties and people shouldn't be required by their membership in a union to make that contribution. For years, I'm sure that my father, who was a member of the CAW, made contributions to my opponents. Because you had to go through a difficult process of changing the checkoff, it wasn't ever worth it to go through that, and there was always a concern that you were going to annoy people within the union by doing that.

I certainly believe that individual members of unions have a right to and should make a choice of which party or which candidate they wish to contribute to. I think that's quite all right. I'm reluctant to see a situation where the entire union sends the money even though the majority of the members may not be in favour of that political party. I've always found that a bit difficult, but I do think they have the right individually to support political parties and individual candidates.

I heard mentioned by the member for Yorkview, and he was allowed to mention this, that there was a fund set up for workers who lost their jobs as a result of such things as bankruptcies within their place of employment. Before, where they used to be at the tail end in terms of getting the money, they were moved up considerably. There's one problem with that. My understanding, and I think it's an accurate understanding, is that this money is not being paid out any more, that in fact the fund is dry, or at least the movement of that money is taking an awful long time.

When I heard the Premier bragging about that this morning, I thought Peter Gzowski's people who do the research would be able to slide a note to him and say, "They're not paying that money out very quickly; the well is almost dry," but they didn't. I can recall being on *As It Happens* with Michael Enright—it's interesting, and I think members of the House should know this—and it

was a tag-team match. This is why you always go on live, first of all. He had the headset on, and when I would give him an answer, there were two researchers, very aggressive, sitting in the corner who would say through the earphones, "What he said is not accurate or not answering your question," and then he could ask another question. Nobody did that for Peter Gzowski this morning when the Premier bragged about this fund that now has virtually no money in it, and if there is any money it's not moving quickly. I'm sure that was an oversight.

You can't set something up like that on the one hand, brag about it and then not fund it. You cannot do that. You have to fund it. But I thought it was good legislation. I supported the legislation and I commended the government for bringing forward that legislation. But there's no money in it now, so it's just on paper; it's not in practice.

Jobs Ontario he mentioned, and I will be very brief in making a reference to Jobs Ontario. Jobs Ontario essentially is a new name with a lot of old programs, and some reference was made to this yesterday. When I had the privilege of being Minister of the Environment and could be part of flowing funds to municipalities for the purpose of—and of course I'm referring to what the member for Yorkview referred to—

Mr Bisson: On a point of order, Mr Speaker: I do enjoy hearing the member across the way debate bills before this House. I would implore him to debate the bill before us, which is Bill 117.

The Acting Speaker: I know the member is close to the subject. I would like him to stay on the subject.

Mr Bradley: It's every bit as close as it was when the member for Yorkview raised it in the House, so I know you would want to be fair and allow me the opportunity to raise the same subject as the member for Yorkview, and that was Jobs Ontario.

He made the claim that Jobs Ontario was something new. Now, you have your Jobs Ontario sewers, your Jobs Ontario waste management, your Jobs Ontario water systems, Jobs Ontario roads, and all it is is the same money—actually, it's less money going out now—with a new name that they call Jobs Ontario, and the same with training and other things.

I don't think anybody's really buying that this is something new other than the name. Maybe Murray Weppner, who has now has been hired at up to \$152,000 by the Premier to be his new spin doctor, will be able to spin that out and make people believe that it is something new and different, but I kind of doubt that's going to be the case.

I also want to look at some other issues here. Is there a by-election in Essex South today?

Mr Elston: Yes, there is.

Mr Bradley: I didn't know. The Speaker may know. I don't know that.

Mr Elston: There is a by-election there.

Hon Elmer Buchanan (Minister of Agriculture and Food): I suppose you want to stay here until after the polls close.

Mr Bradley: No, I don't. I really don't. I want to give the members of the House a chance to watch *The Simpsons*, which somebody told me is on at 8 o'clock tonight. I wanted to give them that chance.

Mrs Ellen MacKinnon (Lambton): Who are they?

Mr Bradley: The member for Lambton says, "Who are they?" Do they have cable in your community?

Mrs MacKinnon: No.

Mr Bradley: Oh, well, that's why. Then I understand. That's very understandable. We will make sure they get cable into Lambton very soon.

Interjections.

Mr Bradley: Okay. I'm hearing all kinds of suggestions as to what might happen.

I also believe that people should have the right to join a labour union and have the union that they want to represent them. I think one of the provisions of this bill is such that it doesn't allow people the choice of the specific union they will join. They might well join the one that is suggested in the legislation; they might well join that union, but I think they should have a choice of what union they join.

I know several members here have been involved in the trade union movement. There's always a major controversy when raiding takes place, so they like to know that the individuals do have a chance to join one union or another, and they've fought for the right to have people represented by a union. Over the years, those trade unions have certainly been able to bring them some considerable benefits.

It was interesting to hear the member for Yorkview talk about the fact that the trade union movement is enamoured of the NDP. I watched the proceedings of the Ontario Federation of Labour that took place in this city, and I could hear them outside. They were banging at the door; they wanted in.

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They were chastised. They got back to the hall and I heard Gord Wilson chastising them for being so bold as to want to get into the House and be disruptive—except for one thing. I remember, as the member for Carleton will, as the member for Bruce will, as the member for Brampton South will and perhaps others, watching some of the people who were chastising those for storming the bastille as they were up in the gallery shouting down at members of the House in years gone by. Some of the people who were here today may even have been part of that; I don't know that. But my friend the government House leader, who has sat in the House as long as I, would well remember those people in the gallery sometimes throwing pieces of paper down, sometimes shouting at the people below.

I was glad to see that Gord Wilson was concerned about this now, because I remember when it used to happen before. I don't remember whether he had chastised people in those days, or indeed whether he was sitting up there with those people. I don't remember that.

But there has been produced by the Ontario Liquor Boards Employees' Union a poster, and it has several

members of the House on it. Some are called traitors—that's a very strong word—others are called heroes. There are fewer heroes than there are traitors. The heroes are Dennis Drainville, Victoria-Haliburton, now resigned; Karen Haslam, Perth; Peter Kormos, Welland-Thorold; and Mark Morrow, Wentworth East. These NDP MPPs voted to save free collective bargaining in Ontario. This is what the liquor boards employees' union believes should be shown to the people of this province.

Hon Mr Pouliot: I want to autograph this.

Mr Bradley: The Minister of Transportation has requested an opportunity to autograph it. I perhaps will allow that at some time further.

This is only the NDP members, and four are there as heroes. There wasn't room on this for the people from other parties who voted against Bill 48, but there was room for those who have stood up for NDP principles at the bottom. I just wondered if the member for Yorkview had seen this; I wanted to share it with members of the House.

I'm not one who believes we should take up all of the time available simply because we're assigned 30 minutes or limited to 30 minutes. That's why this evening I am prepared to not speak for the full 30 minutes. I want to demonstrate clearly that I believe there should be flexibility, that if there's a need to speak for 40 minutes I would speak for 40 minutes, or if there's a need for 20 minutes I would speak for 20 minutes. But Bob Rae, with the new rules he's imposed on this Legislature, now limits all members to a maximum of 30 minutes on any particular subject, and I think that's most unfortunate.

I hope that when this bill goes to committee of the whole the government will take into consideration any of the representations which have been made, will make any modifications they believe would make the bill better in any other way, will listen to the representations which have been made by various people around the province and in this House and then bring forward a piece of legislation that'll be acceptable for all.

There are many parts of this bill, some significant parts of this bill, that are supportable basically by all people in this House. There may be some parts of the bill that even government members have a little concern about, because what they're going to be in is a position of having to break strikes again.

If they were to be re-elected and this legislation were in effect, they may have to then, as they have had to with teachers, bring back-to-work legislation when certain services weren't being provided to people of Ontario. That would place the NDP in a very, very difficult position, certainly diametrically opposed to their past positions.

What they may be doing in this circumstance is setting themselves up for having to order people back to work, and that would be most unfortunate. I appreciate the opportunity to share with members of the House this evening some thoughts about this bill and other issues surrounding it. If there are other members who are going to be speaking this evening, I'll look forward to hearing from those members. Thank you very much.

The Deputy Speaker (Mr Gilles E. Morin): Are there any questions or are there any comments?

Mr Norman W. Sterling (Carleton): I just wanted to comment briefly about the politicization of the civil service. I do think it's important to understand there are still traditionalists in this Legislature, and I have a real problem, more so now than I probably did when I first entered politics, with allowing civil servants to take a more active role in provincial politics.

I'll tell you why, Mr Speaker. It is because I have seen, in terms of the lobbying efforts of various groups that come and want changes to legislation, that want changes to funding, that it doesn't necessarily reflect what in fact the end user wants, or what the citizens of Ontario want or what is best for the citizens of Ontario. But we see on a more increasing basis that the people who come to politicians at Queen's Park are the people who provide the services or want to provide the services to the citizens of Ontario.

With the politicization of the civil service, I see that we will have an ever-increasing or a growth of this kind of lobbying industry among people who are trying to feather their own nest, people who will be trying to increase the importance of their role in providing services to the citizens of Ontario. They're not so concerned with the citizens of Ontario as they are with their promotional opportunities, the enhancement of their jobs, the enhancement of their departments etc.

I want to say that I have a very cautious approach towards the politicization of the Ontario civil service because of what I have experienced over the last 10 or 12 years vis-à-vis the increasing tendency for people lobbying politicians, not for the good of the citizens but for the good of themselves.

Mr Bisson: Just quickly, I would like to comment on Bill 117. Unfortunately, my friend from Niagara Falls didn't speak too specifically on Bill 117, but I just want to respond to a couple of things.

He made the comment about the Ontario Federation of Labour demonstration that happened here before Queen's Park last week. I would refer back to when the injured workers, as he put it, stormed the bastille. I would like to inform the member and the members of this House that the OFL at that time actually tried to prevent that from happening. I know that because I was here at the time. It's something we didn't want to happen, and unfortunately something got out of hand. They were chastised. I'd like to put that on the record.

The other thing is that I'd like to correct the record—I'm sure an oversight of the member from Niagara Falls—in regard to the amount of money going out for Jobs Ontario Training. The comment was that there's less money going out now towards water and sewer projects in the province of Ontario because of Jobs Ontario Training. That is just false. There is more money going out to water and sewer projects in the province of Ontario since 1990, not only because of Jobs Ontario but because of the commitment of this government, on behalf of the people of Ontario, to make sure that we have the infrastructure we need in order to operate our communities.

The other thing is that he made an interesting comment, and that was that he was not in favour of the dues dollars of union members going directly to any political party as a group. If that is the case, I would ask the member only one question: Is he in favour of banning dollars being given on the part of business or large corporations towards particular parties? Because I look at the donation lists in the last election. I know that the Liberal government at the time received many hundreds of thousands of dollars from corporations, which happen to be individual dollars from people who work there as well. I would like to hear some comment on that.

Mr Callahan: I particularly like the part of the bill about whistleblowing, but one has to have some concerns about the credibility of this government in terms of enforcing that or dealing with it fairly. I watched television last night; I think it was last night on the news. There was a civil servant who had found something very disastrous within the government. They reported it directly to the press and my recollection of that report was that they were about to be fired and there was a grievance. Nobody could talk about it because there was a grievance being filed. I may be mistaken. Maybe I heard it in the Legislature.

What they said was, and I'd like you to hear this, that there was a process set in place whereby you went to your supervisor and told your supervisor about it and your supervisor was supposed to blow the whistle. I'll tell you something: If that's the type of legislation that's here now, if that's how it reads or that's how it's going to be interpreted, there will be no civil servant in his or her right mind who will whistleblow.

I suggest to you, take a look at this poor person who tried to report something they considered to be very disastrous to our ultimate people who elect us, the taxpayers of this province, and was put down for it.

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Finally, maybe the OPP will finally get a rest. I said to one of my colleagues that maybe on Monday morning of next week, if this is passed and given royal assent, the civil service will be prepared to put the brown envelopes not under our door; they'll deliver them personally. I doubt it, because they feel so threatened by your government and—I don't want to use the words "Gestapo tactics," Mr Speaker, because I know that's wrong, but tactics like that that make them fear—

The Deputy Speaker: I would just ask you to correct yourself.

Mr Callahan: I'll take "Gestapo" out. The dictatorial or—what were some of the others?—draconian measures that are used, because they hear the boots stomping down to their office when they do these things for the benefit of the taxpayers of this province.

Mr Chris Stockwell (Etobicoke West): I just want to make a couple of comments, firstly about the union dues. You have no choice. Your union dues, if you work in a union and there is that checkoff component in place, regardless of your political affiliation and what you believe and don't believe—I don't like it either—your money goes to the NDP. Case closed. The only way you

can stop your money from going to the NDP, and it's been right to the Supreme Court of Canada, is you've got to quit your job to stop supporting the NDP government or the NDP party.

The argument was made about the private sector. If I own shares in a company and those shares are making donations to political parties I don't agree with, what I have to do at that point is sell my shares if I don't agree with that. It is far, far less onerous on me to sell my shares than to quit my job and go out and look for a new one. Those companies operate in the private sector in the private world. If I don't like what they're doing and I have shares, I sell my shares. That's a big, big difference between taking money out of my pay packet that I'm not spending discretionally and giving it to the NDP.

Second, capital projects: Capital spending is down by \$300 million this year. I don't care what he says. They took the \$300 million and plowed it into Jobs Ontario. They're spending no more money on capital than they were in previous years and they're trying to claim they are.

Finally, I know everyone in this Legislature, mostly everyone, is in favour of whistleblowing legislation. I'm not. I think whistleblowing legislation is very dangerous. It has to be handled very carefully, and I don't think this legislation handles it in that fashion. You will see, just like the other day when whistleblowing legislation was dealt with with an employee, that it's very dangerous. There's confidentiality involved in a lot of these issues, and I'm not a fan of whistleblowing, whether I'm in government or in opposition.

The Deputy Speaker: The member for St Catharines, you have two minutes to reply.

Mr Bradley: It's always interesting to hear the member for Etobicoke West taking a different point of view than most of us on that and making a rather interesting argument, one that should be considered at least, because I guess it does have some ramifications.

I wanted to respond a bit to the member for Cochrane South, who may have misinterpreted what I said. I didn't relate one to the other. Jobs Ontario funding for the purpose of sewer and water is down from what it used to be. The government of Ontario used to give a lot more. It has nothing to do with training or anything like that. That's not because they're giving it to training.

The capital in the Ministry of Environment I know is down. I was amused when the Premier made that announcement, because what he made was a three-year announcement, and a three-year announcement equalled about what it was in one year of the previous government. I understand why, but what I'm saying is that this claim is that it's brand-new money and a lot more money.

This government cut \$300 million out of its capital budget at the same time as the Premier features himself as Captain Infrastructure. Again, I understand that, but he can't have it both ways. He can't be Captain Infrastructure and be slashing the budget at the same time.

I want to say as well that I found interesting the member for Carleton's remarks about special-interest groups lobbying, because, again, listening to the Morn-

ingside program, I heard the Premier lamenting the fact that the nurses had received some significant increases in pay. I'm sorry, I remember during the election campaign the Premier telling them: "Go to it. You deserve a lot more money." Indeed, he was right, except his government did not provide that money so that those increases could be paid. As a result, we have unemployment even in that field.

ROYAL ASSENT SANCTION ROYALE

The Deputy Speaker (Mr Gilles E. Morin): Before I recognize the next speaker, please allow me to make the following statement. I'd like to inform the House that in the name of Her Majesty the Queen, His Honour the Administrator has been pleased to assent to certain bills in his office.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): The following are the titles of the bills to which His Honour has assented:

Bill 8, An Act to provide for the control of casinos through the establishment of the Ontario Casino Corporation and to provide for certain other matters related to casinos / *Projet de loi 8, Loi prévoyant la réglementation des casinos par la création de la Société des casinos de l'Ontario et traitant de certaines autres questions relatives aux casinos*

Bill 40, An Act to stimulate Economic Development through the Creation of Community Economic Development Corporations and through certain amendments to the Education Act, the Municipal Act, the Planning Act and the Parkway Belt Planning and Development Act / *Projet de loi 40, Loi visant à stimuler le développement économique grâce à la création de sociétés de développement économique communautaire et à certaines modifications apportées à la Loi sur l'éducation, à la Loi sur l'aménagement du territoire et à la Loi sur la planification et l'aménagement d'une ceinture de promenade*

Bill 115, An Act to confirm and correct the Statutes of Ontario as revised by the Statute Revision Commissioners / *Projet de loi 115, Loi confirmant et corrigeant les Lois de l'Ontario refondues par les commissaires à la refonte des lois.*

PUBLIC SERVICE AND LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 1993 LOI DE 1993 MODIFIANT DES LOIS EN CE QUI CONCERNE LA FONCTION PUBLIQUE ET LES RELATIONS DE TRAVAIL

Resuming the adjourned debate on the motion for second reading of Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts / *Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois.*

The Deputy Speaker: The member for Carleton.

Mr Sterling: I just want to briefly discuss the whistleblowing section of this act. As you know, I've been involved in the freedom of information and privacy

issue in this Legislature for some period of time, and in fact, as a former minister of a previous government, had responsibility for that legislation during that mandate.

When I look at the whistleblowing section of this act, I find it completely impractical in terms of doing anything which is of any use to anybody. In order for a civil servant to be able to say, "I've got to produce some information," the act says that first of all there must be a serious government wrongdoing as defined in this act. In order for the civil servant to decide whether or not this is a serious wrongdoing in this act, he then goes to a specially appointed counsel for the purpose of determining whether he may reveal this serious government wrongdoing and determining what steps can be taken to bring information to the attention of the public.

I want all members to know that in the Freedom of Information and Protection of Privacy Act, a section which I included in that act, which was followed up by the subsequent Liberal government, was a section which required the government, under law—it had a legal duty—to propagate or produce or publish information which was a serious hazard to the public.

So there is already a duty on the government, on all cabinet ministers, on all civil servants, if they come across a piece of information which they think may harm a member of the public, a positive duty on the government of Ontario to produce that piece of information. If it does not produce that piece of information, then the government can be sued. In other words, the Freedom of Information and Protection of Privacy Act, which was passed in 1985 or 1986, already provides a positive obligation on the government to produce information where someone in our society could be injured therefrom.

This so-called whistleblowing section does not provide any new kind of information for the client or the citizen of Ontario. Furthermore, the idea that a civil servant who had information in his or her hands which she or he thought might be useful in terms of bringing forward a very serious problem to the public's attention—would that person go to an independent counsel who is paid by the Ontario government and be concerned about the confidentiality between that counsel and other members of the government as to whether or not their bringing forward this piece of information, getting it checked over by counsel—would they not be concerned about their own job?

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Quite frankly, this whistleblowing section, I would submit, will not be used in the next 10 years. If the government wants to hire me as its special counsel on a retainer, I would be most pleased to do that, because I wouldn't expect that I would have any work to do. I don't expect that there would be one civil servant who had one iota of grey matter who would ever come to this counsel appointed under this act. You've got to be pretty naïve to think that you would come in front of a government-appointed counsel and say, "Mr Counsel, is this serious enough for me to be able to go out and whistleblow?" Give me a break. A civil servant who has a serious concern about information does various things with that information now. They either go to the opposi-

tion and the opposition looks at that information and says, "Yes, this is serious" or "This is not serious" and raises a public profile, or another avenue for the civil servant is to go to the newspaper and the newspaper goes to its publisher and says, "This is serious information and we should produce it."

I think the present system works adequately. By the creation of a special counsel and the idea that we're going to have to pay a special counsel—in very serious times in terms of whom we can pay, should we be creating new jobs, new positions, which are going to be ineffectual? I believe this will be another waste of money, another waste on the part of the government in terms of what it would do in the future, and quite frankly I think the whistleblowing provisions in this act are a joke.

We cannot support this act for these provisions, we cannot support it for other provisions, and therefore I think that if the government is serious in its concerns about the fiscal situation of this government, it should withdraw provisions like this. They should stop creating useless jobs. They should stop creating new programs to spend more money to create bigger deficits that everybody's concerned about. That's what this bill is about. It's a small amount but I guess those small amounts add up.

The whistleblowing protection sections of this bill will be used rarely, if ever. All they do is create additional expense for the poor taxpayer of Ontario.

Mr Anthony Perruzza (Downsview): I disagree with the member, especially when it comes to whistleblowing, because I think that's a good provision of the bill. Any time we can get at waste anywhere in any public service is a good thing, because fundamentally to save the taxpayer some money, to make the system more efficient, is what this should be all about. I believe that whistleblowing opens the door for enormous tax savings and is a good thing.

Hon Tony Silipo (Minister of Community and Social Services): I'm sure the member for Bruce won't be too upset with the few comments that I would like to make. I do appreciate the opportunity to enter this debate even briefly, partly because of the direct involvement that I had the opportunity to have in a number of pieces of the legislation that are before us when I was Chair of Management Board. I know it's taken both a lot of hard work by a number of people—certainly a number of ministers, but a number of people—to bring together this legislation, which I think is one of the most significant pieces of legislation we've seen for some time.

I believe, as others have described the various pieces of this, that we acknowledge very much the importance of this legislation, whether it's the part that deals with whistleblower protection, whether it's the part that deals with the recognition and extension of political activity rights for members of the public service or whether it's the changes that are made to the Crown Employees Collective Bargaining Act. I would just like very briefly to touch upon those three areas.

I was quite interested in hearing the comments from the member for Carleton a little while ago in terms of his

assessment of the impact that he believes parts of the whistleblower legislation will have. I guess I would say that I hope he doesn't end up being right on this, because I think what has been attempted here is to put together a framework that provides the kinds of protection that don't exist now to civil servants who feel there is serious wrongdoing, as is described in the legislation, which can be any number of things, and that provides protection for them and provides a vehicle for them to speak with someone in a very confidential way and to get some advice about how they should proceed in dealing with and disclosing that information.

There's nothing in the legislation, of course, that prevents in future what exists now in terms of people making the decision to simply brown-bag any particular piece of information. They can continue to do that if they wish, but obviously, in doing so, they then have to take whatever responsibilities come from that. What the provisions in this legislation do is provide a very sound vehicle whereby members of the civil service who feel that some element of wrongdoing is going on in the government can proceed to have that verified, vetted by an independent counsel who will give them that kind of advice and will seek from the relevant ministry or government body information that will allow that issue to be addressed and sorted out and will provide the individual civil servant with some sound advice on how to deal with that issue. I think that's a significant step forward that should not be ignored.

Secondly, the whole area of political activity rights: I think it's important, again, that we recognize what this legislation does. I was happy to hear the comments from the member for St Catharines earlier on this, expressing his support for this part of the legislation at least. I think what we are doing for the first time is setting out in a very clear way the fact that we believe that members of the civil service ought to have recognized basic rights that all of us as citizens of this province enjoy and be able to carry out those rights, and that there should only be exceptions to that general rule in very limited circumstances, such as in the very senior ranks of the civil service. Even then, there are provisions in the bill that outline in effect the kinds of rights and responsibilities that those members of the civil service can also exercise, albeit under certain restrictions. Again, I think the basic premise of that part of the legislation is to say that just because one is a civil servant, one ought not to have denied to one the basic rights that all of us want to enjoy in terms of participating in the political process of this province.

Thirdly and lastly, let me also say that I believe the changes which are reflected in this legislation that will be changes to the Crown Employees Collective Bargaining Act reflect a discussion that I know has been going on for many, many years around changes to that particular piece of legislation governing, in effect, those who work for the civil service, those who work for the government, and therefore the issue around bargaining units.

Without getting into all of the details, let me just say that I believe what's reflected in this legislation is not just the result of long discussions that involve, yes, the

major union that now represents most of the people who work in the public service, all of the employee associations, and in fact sets out a framework which allows, I think, for the ongoing question of representation in the civil service of this province to be addressed in both a simpler way than exists now and in a way that continues to respect the rights of every individual employee to determine, by and large, how they should be represented in collective bargaining with the government of Ontario.

I think all of those pieces, taken together and presented in the way they are in this bill, amount to a significant step forward with respect to the way in which we treat the civil service of this province, a civil service which continues to do a terrific job and which all of us, whether in government or in opposition, need to continue to acknowledge in very many ways. I think this legislation acknowledges in a very real way the significance that we place and the importance that we place on the work that is done by the civil service in this province.

The Deputy Speaker: Are there any questions or comments? If not, the parliamentary assistant.

Mr Cooper: I'd like to take this opportunity to thank all members who participated in the second reading debate on Bill 117. While I realize there were some reservations and some ideological or philosophical differences expressed during the debate, I'm sure Bill 117 goes a long way to addressing some of the concerns that have been out there in the public service for a long time.

At this time, I'd like to welcome everybody for their further input during the committee process and at third reading.

The Deputy Speaker: Mr Cooper has moved second reading of Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Shall the bill be ordered for third reading?

Hon Brian A. Charlton (Government House Leader): Committee of the whole House, Mr Speaker.

The Deputy Speaker: Agreed? Agreed.

BUSINESS OF THE HOUSE

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I think we reached an agreement earlier that we would adjourn the House at the end of this debate, but first I would like to take a moment to set out the business for the first part of next week. Pursuant to standing order 55, I would like to indicate the business of the House for the week of December 6.

On Monday, December 6, we will consider the following items in order: second reading of Bill 122, graduated licensing; second reading of Bill 121, Teachers' Pension Act, and second reading of Bill 120, the residents' rights omnibus bill.

Government orders for the remainder of the week will

be announced pending further discussions with my colleagues in the opposition parties.

On the morning of Thursday, December 9, during the time reserved for private members' public business, we will consider ballot item number 41, a resolution standing in the name of Mr Eddy, and ballot item number 42, a resolution standing in the name of Mr Wilson.

I move the adjournment of the House.

The Deputy Speaker (Mr Gilles E. Morin): Mr Charlton moves the adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until Monday at 1:30 of the clock. Monday is December 6.

The House adjourned at 2003.

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Third Session, 35th Parliament

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Official Report of Debates (Hansard)

Monday 6 December 1993

Journal des débats (Hansard)

Lundi 6 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Monday 6 December 1993

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

MACASSA MINE

Mr David Ramsay (Timiskaming): I rise in my place today to update the House on the events that are happening with the mining tragedy in Kirkland Lake. I'm not usually at a loss for words. I have a sense that I should be saying something about it, and I certainly feel a lot about it. I'm not really quite sure what to say.

I was very deeply moved attending a candlelight vigil last night in Kirkland Lake, where it's estimated 2,000 citizens came out, walking throughout the town, coming to the "tree of life" that is situated at the post office on Government Road in Kirkland Lake. It was a tremendous ceremony, filled with tremendous warmth and hope.

Most of us, unfortunately, at that ceremony hadn't realized the news that the mine had announced a couple of hours beforehand: that it looked like it would be another 30 days before the mine would be able to now recover the miners. This has now changed from a rescue operation, it looks like, to a recovery operation.

It was heartening to see the townspeople come out and lend support for the mining community and the miners and their families who have suffered through this.

I and all my constituents, and I know the government, are encouraging the company and the industry itself to find the reasons for this and to develop the technology in order to detect this and in order to prevent this type of thing from happening ever again.

REGIONAL DIALYSIS CENTRE

Mr Allan K. McLean (Simcoe East): Tomorrow I will have the pleasure of attending the official opening of the new regional dialysis centre at Orillia's Soldiers' Memorial Hospital. This new facility is dedicated to the memory of the late Edward F. Monck, who crusaded for a local service to meet the needs of people like himself who had to travel to Toronto General Hospital three times a week for treatment. The service was launched in late 1987 as a small satellite unit of the Toronto General Hospital and now serves 30 patients.

In 1992, the Ministry of Health approved Soldiers' Memorial Hospital's proposal to build a new \$1.3-million, five-station unit to serve the region of Simcoe county, Muskoka district and northeast Durham. The ministry has contributed \$1.1 million for equipment and will fund the annual \$1.6-million operating budget. I want to thank the minister for lending this new regional dialysis centre the appropriate level of support.

It should be noted that there was a great deal of dedicated behind-the-scenes work undertaken that resulted in this project coming to a reality. Robert Kehoe, who has served more than 36 years as a health care administrator and hospital chief executive officer at Soldiers' Memorial Hospital, presented the necessary proof to the county district health unit that this regional dialysis unit was a viable project and that the city of Orillia was the

appropriate venue. On behalf of dialysis patients in Simcoe county, Muskoka district and northeast Durham, I want to offer my sincere thanks to Robert Kehoe for a job well done.

PART-TIME FIREFIGHTERS

Mr Mark Morrow (Wentworth East): It is with great concern that I stand before you today.

Part-time firefighters who are not represented by unions or associations have no protection under the Employment Standards Act. In my riding, three part-time firefighters have been fired and no just cause has yet been produced.

Under current labour laws, our local council does not have to defend its decision. These men have served Stoney Creek with a combined service record of almost 50 years. What happened to these employees' rights: Robert Hicks, 16 years of service; Raymond Elliott, 12 years of service; and Colin Coleman, 22 years on the job?

What would make a person miss those once-in-a-lifetime moments with his family and loved ones? It is not for money, not for recognition, but instead it is for the commitment they have made to their community.

It is time this government started looking at current legislation. As a labour party we should begin to put our efforts into representing the people who have worked in these part-time positions. We must place equal value on their efforts—the same value we would for a full-time worker.

Let's start working towards legislation that offers protection to all workers.

LEADER OF THE THIRD PARTY

Mrs Elinor Caplan (Orillia): I want to talk today about a rare specimen from the animal kingdom, a political chameleon. We all know that the chameleon changes its skin colour to blend in with its surroundings.

In this very chamber, we have a living example of a political chameleon, the leader of the third party, Mr Harris. We all know that Mike has changed his colour before. I remember the social contract discussions: yes, yes, and then no; or how about Kim Campbell: no, no, then yes.

Here's a new one to add to the collection: In 1986, when the Liberal government wanted to allow the sale of beer and wine in corner stores, the Tories were in an uproar. In fact, they defeated the legislation with a full whip vote on Bill 135. Mike Harris voted against allowing beer and wine in corner stores. Now he's changed his mind. Just last Saturday during a cable TV show, Mr Harris said he was in favour of beer and wine in corner stores.

Do you believe that, Mr Speaker? Yet another flip-flop. I can hardly imagine what the other members of his caucus who also voted against beer and wine are feeling; honourable members like Ernie Eves, Cam Jackson, Margaret Marland, Al McLean and Norm Sterling. What went through their minds when they saw their fearless leader perform a complicated backflip that he's becoming

so famous for? Were they concerned for his safety or just theirs?

WASTE REDUCTION IN BROCKVILLE

Mr Robert W. Runciman (Leeds-Grenville): On November 25 the city of Brockville won a national award for reducing the amount of garbage it produces by a full 50%. Through a number of very aggressive initiatives, the city of 21,000 has cut its garbage from 40 tonnes a year in 1987 to just 20 tonnes in 1992.

Brockville is probably the only Ontario community that has met the province's goal, set for the year 2000, of a 50% reduction in the amount of waste sent to landfill. Brockville's waste-reduction initiatives now include curbside blue boxes, backyard composters, the banning of certain items at the landfill site and limiting the number of garbage bags residents are allowed to put out each week. As well, the city built a one-acre municipal composting facility and now collects old Christmas trees for chipping and reuse in the city's parks.

As this recent Environment Canada award shows, Brockville has taken the 3Rs seriously and it must be said that Brockville really had no choice. The city dump is over capacity. It has applied to the Ministry of Environment and Energy for a five-year extension at the dump to tide residents over until a regional site can be found. For Brockville, it's been a case of working hard to look good in the eyes of the ministry or risk being turned down for the dump expansion.

Given Brockville has upheld its end of this unspoken game of the carrot and stick, I strongly urge the Minister of Environment to look favourably on the city's request for a five-year dump site extension. Brockville has earned it.

1340

VIOLENCE AGAINST WOMEN

Mr Drummond White (Durham Centre): Tonight, the Oshawa YW and local women's shelter, the Denise House, will co-sponsor a candlelight vigil in commemoration of the tragedy of December 6, four years ago. They call on us to follow their lead to first mourn and then work for change. It's highly appropriate that we mark this day, the fourth anniversary of that tragedy.

Both the Oshawa YWCA and Denise House have a proud history of serving the needs of women in our community, especially as havens to victims of domestic violence. They have seen and continue to see in astounding numbers the consequences that acts of physical brutality and emotional manipulation leave on women and children. We are reminded that acts of violence are perpetuated not only through guns and knives but also by fists, by putdowns, by controlling action.

There are many facilities that respond to the desperate plea for help from the physically and emotionally abused and bruised women in Durham region, many of whom have no support system and continue to be victims. They would continue to be victims without the intervention of the Oshawa YW and Denise House.

The Oshawa YW and Denise House have made the issue of violence against women a priority in their programs. Violence against women, whether physical or

emotional, degrades, devalues all of us. Violence against women will not and must not be tolerated.

PARAMEDIC SERVICES

Mr Dalton McGuinty (Ottawa South): The people of Ottawa-Carleton are continuing in their quest to bring paramedics to Ottawa-Carleton and they will not be satisfied until we join the ranks of the good citizens of Hamilton, Oshawa and Metropolitan Toronto, who have for many years now enjoyed the benefits of paramedics in their communities.

Paramedics in these communities are funded by this provincial government, and I, like the 42,000 people of Ottawa-Carleton who have to date signed our petition cards, can see no justification whatsoever for denying this same funding to the people of Ottawa-Carleton.

Paramedics are found in over 50 Canadian cities and over 2,200 American communities. Paramedics have evolved in order to constitute an important link in the chain of survival for our pre-hospital emergency health care.

In combination with the other two links, early cardiopulmonary resuscitation and early defibrillation, paramedics have proven to be most effective in saving lives of people who require emergency care before getting to the emergency ward if they are to survive.

Ottawa-Carleton has a survival rate for its heart attack victims of 2.4%. This is one of the lowest survival rates in North America. In communities with a full chain of survival in place, the survival rate is between 20% and 30%.

The people of Ottawa-Carleton will not be satisfied until this government funds paramedics for us. Not only is denying Ottawa-Carleton paramedics unjustifiable, it is, given that lives are at stake here, unconscionable.

I want to assure the Minister of Health and the Premier that this issue will not go away. It will haunt them now and, if necessary, at the time of the next election.

NIAGARA ESCARPMENT COMMISSION

Mr Bill Murdoch (Grey-Owen Sound): The township of Holland wants to upgrade three existing open roads: a street in Walters Falls, the Holland-Euphrasia town line and the concession road leading to the Holland-Sydenham town line.

They wish to do this because repairs such as cleaning and reditching are necessary to ensure safety for those using the roads. However, they have been told they cannot do this work without first getting permission from the Niagara Escarpment Commission.

Neither I nor the township of Holland nor the township of Sydenham, who was asked for comment, can understand why upgrading existing roads for public safety is any business of the NEC. The maintenance and the upkeep of the roads is a municipal responsibility and should remain that way.

A development permit should not be needed to fix road allowances which have fallen into disrepair. Judge J.F. Laing of the Ontario Court of Appeal recently ruled that although someone had rebuilt an existing laneway in the escarpment area, the work did not constitute a change in

the use of the land and therefore no permit was needed.

I would ask the Minister of Environment and Energy to bring this case to the attention of the NEC and remind the commission to stop meddling in areas where it should properly have no jurisdiction.

I agree with Holland and with Sydenham when they say that they object to having to apply to the NEC for permission to undertake municipal road projects and I ask the minister to take strong action in the very near future to ensure that this procedure, which is nothing but a waste of time and the taxpayers' money, comes to an end.

INTERNATIONAL DAY OF DISABLED PERSONS

Mr Gary Malkowski (York East): The United Nations has recognized December 6 as the International Day of Disabled Persons. It was proclaimed by the UN for the first time last year, marking the close of the Decade of the Disabled.

The proclamation was made worldwide to urge governments and organizations to observe not only the day and promote public awareness, but also to intensify their efforts to improve the situation of disabled persons. I have a personal commitment to see that the government of Ontario continues to keep the issues of the disabled on the legislative agenda.

Over the last three years I have been extremely proud of our government's efforts in producing progressive employment equity legislation and the Advocacy Act. Also noteworthy, disabled persons now have access to the Ontario Training and Adjustment Board through the persons with disabilities committee.

Our government set an extremely important precedent in North America with the passing of Bill 4 in July of this year, a bill permitting the use of American sign language, ASL, and la Langue des signes québécois, LSQ, as languages of instruction for deaf and hard-of-hearing students.

I am proud of our accomplishments, but we still have a lot of work to do. Disabled persons need more and better access to education, jobs and training through improved support services. There should be a more systematic approach to compensation issues for persons with disabilities. I encourage our government to take action.

Hon Marion Boyd (Minister Responsible for Women's Issues): I believe we have unanimous consent for a three-party statement on the provincial Day of Remembrance and Action on Violence Against Women.

The Speaker (Hon David Warner): Do we have unanimous agreement? Agreed.

DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

Hon Marion Boyd (Minister Responsible for Women's Issues): I am rising today on this most solemn of anniversaries to commemorate the 14 women who lost their lives in the Montreal massacre four years ago today.

Today is the third annual provincial Day of Remembrance and Action on Violence Against Women. It is a time for us to remember the victims and their families and it is a time to reflect on what this crime tells us about our society and women's place in it.

In the wake of the massacre many of us recognized the killer's rampage as an extreme expression of society's attitudes towards women. We said that this was not the random act of a madman; rather it was a horrifying manifestation of the aggression towards women that we know to be commonplace. Others challenged this analysis and denied the extent of violence against women in this country.

Unfortunately, statistics are bearing out what many women have long said about violence. The federal report on violence against women released last month by Statistics Canada has indicated that the problem is even more widespread than we had feared. As Sunera Thobani, president of the National Action Committee on the Status of Women, has said, "Violence against women is 'a national crisis.'"

The Statistics Canada survey indicates that more than half of Canadian women have been physically or sexually assaulted, using the Criminal Code definition of these assaults, at least once in their adult lives; almost half, 48%, of women with a previous marriage reported violence by a previous spouse; and women aged 18 to 24 were more than twice as likely to report violence in the previous year than were older women—27% of women in that age group said they had been assaulted during the previous year. These statistics are shocking, even to those of us who have worked with assaulted women for years.

December 6 is etched on our national consciousness. Whether we attend a vigil, wear a white ribbon, make a donation to an organization assisting assaulted women or volunteer our time to help push for tighter gun control legislation, we will each find our own way to mark this day. We must remember, we must never forget and we must resolve that it never happen again.

Women across this country have asked that legislators, the media and their community leaders refrain in our statements on this day from mentioning the name of the perpetrator of the Montreal massacre, understanding that for many violent criminals, notoriety is a motivating factor. We believe it is necessary for us to ensure that on this day we remember those bright lights, those 14 bright lights, that were extinguished on December 6 by using only the names of the women who were victimized.

Mr Speaker, I wonder if, through you, we could ask all members of this Legislature to stand as we remember the 14 women who were murdered on December 6, 1989.

The Speaker (Hon David Warner): I invite all members, and indeed visitors in the galleries, to stand for a moment of silent reflection.

1350

Hon Mrs Boyd: Sonia Pelletier, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Michèle Richard, Maryse Laganrière, Maryse Leclair, Anne-Marie Lemay, Geneviève Bergeron, Barbara Maria Klueznick, Annie Turcotte, Annie St-Arneault and Maude Haviernick.

The House observed a moment's silence.

Ms Dianne Poole (Eglinton): Today we remember the 14 young women gunned down at l'École polytechnique in Montreal four years ago and we grieve with and for their families.

As we commemorate a Day of Remembrance and Action on Violence Against Women we must ask the question, were their deaths four years ago a turning point in the battle against violence or were their deaths in vain?

Just a few weeks ago a report from Statscan revealed that spousal violence is so pervasive that half the women in Canada have experienced sexual or physical attack and 60% fear for their personal safety in their everyday lives.

The question is no longer, does the violence exist? The question is now, why does this violence occur and how can we stop it? There is no doubt that we have made progress in offering support for victims of violence and it is very important that we continue to offer resources to those who have broken the silence and who have come forward, but we have to ask the question, are we going to the root cause of violence?

The first step has been to break the silence but now it is imperative that we break the cycle. I believe our provincial government can take specific actions to help break this cycle of violence.

First, I would call on the provincial government to support programs for male batterers so that they can learn to deal with their anger and they can learn to change their attitudes.

Second, often the forgotten ones when we're talking about violence are the children and the impact on our children. I would ask our government to review and support special counselling programs for the children of those who have had violence in their family.

Third, we have to stem the violence in entertainment, which has become all too pervasive. Some of the responsibility in this area does lie with the federal government, and we will be calling on the federal government to join in the cause. But there are specific provincial initiatives which I believe can be taken, initiatives which would help stem the tide of violence in entertainment. We must revamp and review the mandate of the Ontario Film Review Board.

The government must act to curb these violent slasher movies that are beginning to proliferate in our video stores. Our government must protect our children by restricting the sale of killer trading cards. They must act on the matter of violent video games. We cannot afford to wait for other jurisdictions, other governments, to act. There will be those who say that this is government interference. I say that this has reached a state where it deserves government interference.

Several weeks ago my colleague the member for York North, Charles Beer, read a quote from the organizers of the White Ribbon Campaign. They said: "If it were between countries, we'd call it a war. If it were a disease, we'd call it an epidemic. If it were an oil spill, we'd call it a disaster." It is a war, it is an epidemic and it is a disaster. I think the men and women of this Legislature should do everything within their power to see that those 14 young women did not die in vain.

Mrs Elizabeth Witmer (Waterloo North): Today marks the fourth anniversary of the murder of the 14 university students in Montreal. While most of us may not remember much about the victims, we all know why they died—because they were women.

They were part of the everyday violence that, as Statistics Canada has recently confirmed, affects one half of all women in Canada. The Montreal massacre differed only in its magnitude and in the fact that the perpetrator acknowledged his motive. He separated the women from the men and deliberately killed the women.

The Statistics Canada report has only confirmed what abused women and those who work with abused women have known for a long time. Abuse does exist and it is very widespread. Violence does breed violence, and women with a violent father-in-law are three times more likely to be assaulted by their partners. Moreover, unfortunately, most violence does go unreported.

So what do we do? We as individuals, we as members of this House must dedicate ourselves to the task of eradicating violence against women. We must change society's attitude about violence against women. Apart from funding women's shelters and sexual assault centres, providing education programs for judges and police officers and initiating public awareness campaigns such as wearing the remembrance red rose button to symbolize change and awareness, we must start to focus on much more preventive action.

Parents have a responsibility. They need to exercise discipline at home and teach children of both sexes to be kind, gentle, compassionate and understanding. Boys need to know that macho is not cool. We need to let teachers discipline at school to curb some of the tendencies that will grow into behaviour that will later brutalize women.

We must reject sexist language and behaviour which, no matter how casual or seemingly innocent, does contribute to the continuation of violent and abusive behaviour. We must acknowledge and we must deal with the influence of media violence, which we are now seeing in video games as well as in the movies and in the printed press.

These are just a few of the preventive actions that we must act upon. However, if we are ever going to create a culture of safety, equality and justice for women, it is absolutely imperative that men and women work cooperatively together. We need to do more than remember one instance of violence today. We need to take collective action such as I have mentioned so that the day may come when no one, no one in this country, whether man, woman or child, will ever again be abused. Today, as we remember, let each one of us personally consider what we can do to ensure that this tragedy is never repeated.

VISITORS

The Speaker (Hon David Warner): Before proceeding, we have three very special visitors with us today. They're seated in the members' gallery west. I would invite you to join me in welcoming them both to our chamber and to our province: the Liberal leader from British Columbia, Mr Gordon Campbell, who's joined by two MLAs, Gary Farrell-Collins and Linda Reid. Please welcome our special guests.

ORAL QUESTIONS

WCB PREMIUMS

Mr Steven W. Mahoney (Mississauga West): My question today is to the Minister of Labour. This morning

a number of employer and business groups held a joint news conference to protest the Workers' Compensation Board's job-killing rate increases.

Let me go over the facts again for you, Minister: 145,000 businesses will see their rates go up; over 27,000 employers will have their rates go up by over 25%. In addition to these rate increases, all employers will be hit by the Workers' Compensation Board new 3% surtax. What makes this harder to understand is that these increases come at a time when accident rates have declined by 30%. Accident rates are down by 30% and yet costs are up by over 50%.

1400

Minister, what makes you think that employers can afford to pay these increases? Employers are telling you that these increases will mean thousands of lost jobs. Employers are angry because these increases were imposed at the last minute, with no consultation or study.

My question is, Minister, have you or the Workers' Compensation Board done any studies at all on how many jobs will be lost due to these rate increases?

Hon Bob Mackenzie (Minister of Labour): The member across the way knows very well, because we've indicated it a number of times, that the increase this year is an average 3% across the board. He also knows that there are decreases as well as increases going on over the last two years as a result of the reclassification and that the rates now being charged more closely relate to what the injury rate is in any particular business. The member is well aware of that.

He should also be aware that in terms of the difficult times we're in, it's why the increase was no more than 3%, yet I've heard a steady stream of calls to deal with the unfunded liability. He should also know that for two years prior to this, the board froze the rates where they were.

Mr Mahoney: Mr Speaker, pardon me, but somebody is telling an untruth around here and I don't know who it is. We had business people this morning at that press conference telling us and showing us facts that showed increases for 27,000 businesses of over 25%, and yet you stand there and say it's only 3% on average. Their figures come from WCB figures. Either you're misleading them or they're misleading the public. I don't know which it is.

Interjections.

The Speaker (Hon David Warner): Order. The member knows better.

Mr Mahoney: I'm just posing the possibility, Mr Speaker.

The Speaker: Would the member place his supplementary, please.

Mr Mahoney: At a time when the Premier talks about creating jobs, the Workers' Compensation Board, headed by your former NDP colleague, is killing jobs. This morning in the paper, who's the spokesman for the government? Leo Gerard—amazing. We've been getting letters from employers across the province who are upset that these rate increases will force them to lay off staff. This morning, even an injured worker interrupted the press conference to say he supported the concerns being

expressed by the business community.

A contractor from Thorold says: "We cannot absorb these costs. We will simply have to consider layoffs." A manufacturer from Brampton says: "Wage freezes have been in effect"—

The Speaker: Will the member place a question, please.

Mr Mahoney:—"for the past four years. An increase such as this one will be fatal. We will be forced to lay off more workers and possibly close down." Finally, an aerospace manufacturer from Simcoe says, "You must reduce these costs or you will have all of my people on your welfare rolls."

Minister, what do you say to the workers who will lose their jobs because of these rate increases? What do you say to the families of those workers who will lose their jobs because of this unprecedented WCB tax hike?

Hon Mr Mackenzie: I would like once again to point out that the rates were frozen two years ago; that one full year ago there was either a 3% increase or a 3% decrease and it averaged out to no increase; that the average increase this year is 3%; that the differences in individual groups are due to the fact that the classifications have been changed from 109 to 219 categories and some of them came nowhere near their accident rate in terms of what their assessment was. There is a three-year effort under way—this is the second year—to try and deal with the differences between what the accident rates indicate the rates should be and what they're actually paying. It seems to me that's absolutely the fairest way to deal with this issue.

Mr Gregory S. Sorbara (York Centre): What are you doing about it?

The Speaker: Order, the member for York Centre. Final supplementary.

Mr Mahoney: Here are some of the letters, Minister. I'll be happy to share copies of them with you. Maybe you'd be just a little interested in the people who create jobs in this province and what they are saying. As far as average, what's that old saying: "Your head's in the oven and your feet are in the refrigerator"? That's your definition.

Minister, it's not too late to do the right thing. On December 17, the board of directors of the Workers' Compensation Board will be meeting to review these rate increases. Businesses are ready, willing and able to help solve this problem. This hurts all business, particularly small business. They are asking for the rate increases to be phased in, as was originally promised and planned and then abandoned by the board.

Minister, you say the average increase was only 3%, yet the surtax alone on every business, no exceptions, is 3% by itself. You know that a 3% average is not true. In fact, employers would be happy to live with a 5% cap. These ideas will be presented to the board by employers on the 17th as a way to save jobs, but the employers are deathly afraid that your NDP chair, Odoardo Di Santo, will simply overrule them, as he did when the rate increases were first brought in.

The Speaker: Could the member place a question.

Mr Mahoney: My final question: Minister, will you make sure that the chair of the Workers' Compensation Board puts jobs first at the December 17 meeting and will you tell him and the board to review these rates to protect those jobs?

Hon Mr Mackenzie: The current rate is \$2.95 per \$100 of earnings. It goes up to \$3.04 with the 3% increase that's there now. If we went for the recommendations that have come from the business community, the current \$2.95 would decrease to \$2.83. Can I ask the member across the way how he's going to deal with another one of his pet concerns, the unfunded liability, if he's decreasing rates rather than trying to meet it in a reasonable way? An increase of 3% is not unreasonable.

ONTARIO ECONOMY

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Economic Development and Trade. Last week, Minister, as you know, we got the report card on the Rae government's first three years of running the economy. I think any objective analysis would give you an F if you were grading this report card.

The number of people who are unemployed is at a record high in the province: 575,000 people in 1993. In fact, every week you've been in government, another 1,500 people—every single week, week after week—become unemployed. Social assistance is at record numbers. Every week you've been in government, another 1,900 people have had to go to social assistance for help. Housing starts are down dramatically. Ontario once had the lowest unemployment rate in all of Canada, and we now find four provinces substantially lower.

I've now heard for three years about Jobs Ontario, about partnerships, about jobs being a priority. I've heard talk, talk, talk. My question is this: Why is it that all of those programs you talk about, now that we have the report card, have proven to be a failure?

Hon Frances Lankin (Minister of Economic Development and Trade): The member opposite won't be surprised to find out that I disagree with the premise of the question he puts forward. Can I first of all suggest that we should ensure we're starting from the same basis of information with respect to what the economic outlook is and what the facts and figures are right now?

We can take a look at the GDP. During the second quarter of this year, in fact it rose by 3.2%. The member opposite talked about housing starts. Housing starts were up 10% last September. In fact, they were up 29% in October. If you look at exports, exports are up 15.6% in the first three quarters of this year. It's even higher than that in the auto sector.

Certainly we have experienced the effects of this recession in a very deep and meaningful way in Ontario. For the member to suggest that these facts and figures are only occurring here in Ontario I think is not credible with the members of this Legislature or the public. This is something that's been experienced right across this country.

Mr Speaker, as I can see you starting to urge me to wind up my response, I'm sure the member knows there have been real results from the various jobs initiatives,

and I believe there will continue to be. I'm sure I can address more of that in his supplementary question.

Mr Phillips: Frankly, that's drivel. If you look at the gross domestic product, if you look at the output in this province, and the Premier should know this, the output in this province in 1993 is way below where it was in 1990. Three years later, this province is producing less than it did in 1990. For the minister to not understand that worries me.

1410

My point is this: I understand, Minister, that you are planning to take the taxes up on business on January 1. If you look at your report card, you will find that the profits of the corporations in this province, in Ontario, before taxes, are about half what they were in 1989. The business community is struggling, yet I understand it is the intention of the government to actually increase taxes January 1.

I might also say that the Fair Tax Commission, that was asked to look at a comprehensive review, is scheduled to release its report in about a week and a half, yet I understand the government is committed to proceeding to increase business taxes in this province on January 1.

Why would you even consider, just when the business community is beginning to get on its feet, struggling to its feet, hoping to create jobs, why would you choose, at that very moment, January 1, to give them a shove right back down the hill with another tax increase?

Hon Ms Lankin: Again, I think it's very important that the member get his facts straight and give them straight to the public. With respect to corporate taxes, and I believe this is the area of taxation he is speaking to, let's deal with the manufacturing sector, the sector that's been the hardest hit through the recession as a result of the restructuring of the economy, trade adjustment etc. As of January 1994, our combined taxes will be lower in the province of Ontario than any of the US Great Lakes states which are our main manufacturing competitors. To talk about this from a competitiveness aspect, quite frankly, we are looking good compared to our competitive jurisdictions.

He speaks about a rise in taxes. With respect to the minimum corporate tax which is being brought in and which we hope to have effective January, that is being constructed in a very moderate way. Small business, where we know the growth in employment will come from, is being exempt. It is being brought in very moderately and, quite frankly, it will close loopholes for those companies who have been profitable, who have been managing to write off through different ways and avoid paying any taxes. It will not affect the overall tax burden of companies here in Ontario.

Mr Phillips: They'll be interested to hear it won't affect their overall tax burden, so I gather it won't raise any more money. I gather what the minister says is that there will be some corresponding decrease, if it won't impact the overall tax burden; I gather it's not designed to raise revenue. It is designed, in my opinion, to give business another push in the face. I think we all know that jobs are created by small business. I don't think

there's any doubt about that, that if we look at trying to get jobs created, it is the small business sector that will create them.

The survey among the small business organization in the province suggests that about 20% of the businesses with between five and 19 employees will be hit by the minimum corporate tax, at least the tax that was originally proposed. Everyone, as I say, knows it will be that sector that will create the jobs that will get our economy going again. That tax is hitting 20% of our small businesses, the businesses with five to 19 employees. Minister, why would you choose this time to hit those particular small businesses that will be the ones that could get our job creation going? Why will you hit the small businesses with a corporate minimum tax?

Hon Ms Lankin: The member opposite knows that the majority of small businesses in this province, which, I agree with him, are the generators of jobs, where the growth will come from, will be exempted from the impact of the corporate minimum tax. Let's get this straight, and as we present it to people let's inform them of that.

May I also remind the member opposite that in fact in 1992 we made a change to taxes with respect to small business. In order to be of assistance to small business, we moved the corporate income tax rate down from the level that the Liberal government, when it was in power, had assessed against them. The member conveniently forgets that.

We take seriously the need to help businesses maintain their competitiveness, and I spoke many times in this House around what we're doing with respect to try to keep our costs down in order not to impose more tax increases on businesses out there: with respect to what we're doing in health care and how that's a competitive advantage for our businesses; what we are trying to do in working through the restructuring of the WCB; Ontario Hydro energy rates. I spoke about the combined statutory corporate income tax rates—

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Ms Lankin: —the fact that we are now lower than any of the US states we are main competitors with. I think there is still much to do, but the member opposite does the public a disservice not to set those facts out in a clearer context before he places these partisan questions.

WCB PREMIUMS

Mr Michael D. Harris (Nipissing): My question is to the Premier, and it follows up on the question by the member for Mississauga West. The reason I want to ask you this, Premier, is because earlier this year, and in listening to your statements following the last budget, you seem to have understood that you cannot hike taxes any further without having a devastating effect on jobs in this province.

I have heard you state this, Premier. I have heard your Treasurer state this as well. Premier, I got a sense that you have understood, through the social contract and other areas that have led to immense popularity for you

and your cabinet, that to deal with the deficit of the province of Ontario we can't go out there and continue to hike taxes, that we're actually going to have to cut costs, that we're going to have to cut the size and cost of government.

Premier, since the Minister of Labour seems to be defending WCB hiking the payroll taxes once again in spite of all the evidence that this will cost us jobs in this province—in spite of all that evidence he is defending that—I am now appealing to you, Premier. There is a meeting, as has been pointed out. On December 17, the WCB will be meeting. You appoint those folks, Premier. I'm asking you to call those members of the board, explain to them what you have learned through your own budget and the finances of the province of Ontario, and make a last-ditch appeal and tell them: "Board, you cannot continue to hike taxes. You must deal with your liability, your \$12-billion deficit, by controlling your own costs."

The Speaker (Hon David Warner): Would the leader complete his question, please.

Mr Harris: Will you make that call on behalf of businesses in this province and on behalf of those people who are looking to hang on to jobs in this province?

Hon Bob Rae (Premier): I'll refer that to the Minister of Labour.

Hon Bob Mackenzie (Minister of Labour): I want the leader of the third party to understand that we have been working at the board to streamline administrative and other costs. We have been looking at the problems that we carry. The 1994 assessment rates limit the growth of the WCB's unfunded liability to \$133 million, the lowest increase in over three years.

In response to the employers' request, the WCB modified the rate groups so that firms with good safety records would not continue to be penalized by subsidizing employers with high accident rates. The WCB is introducing the new standard rates over a three-year period to make it easier to do it during these tough economic times.

Mr Harris: I am really distressed on behalf of workers in this province, those who do not have jobs, those who are concerned about losing their jobs. General Mills Restaurants Canada estimates the new rates will cost it \$1 million over the next three years, which may lead to layoffs. Mid-West Silo Systems of Wellesley is facing a 40% increase in its rates. They write, "If this situation cannot be rectified, our firm will have no choice but to close, putting 14 people out of work."

Minister, for a government which professes to give job creation a priority—I hear it every day in the rhetoric from all your ministers, and yet you bring forward a policy, when it is well within your purview to begin to attack the costs of WCB, you continue to go out there and hike taxes, which is costing us jobs every day. We don't understand this.

Let me ask you this: In view of the mounting evidence of company after company whose safety record is improving year over year, and yet they're facing these massive increases in payroll taxes and they are going out of business and are laying off workers, why do you

continue to bring in a policy that is destroying jobs in this province?

1420

Hon Mr Mackenzie: If the member across the way would stop and think for a minute, he might find that the GST and free trade have destroyed an awful lot more jobs than anything we've done to try and bring the WCB costs into balance. If the WCB had adopted the assessment rate put forth by the Employers' Council on Workers' Compensation, the unfunded liability would have grown by \$275 million. Certainly, we would have heard from the member across the way if that had happened.

The administrative proposal adopted by the board of directors offers a workable compromise. In a time when a real rate of \$3.20 would be needed to fully finance the system, the employers are being asked for \$3.04 and not a decrease to \$2.83, which would simply add several hundred million dollars to our costs.

Mr Harris: We heard at a press conference this morning of company after company whose safety record is improving and yet their rates are going up as well. The minister continues to tell us that's not the case. It is the case. We have example after example. Kenmore Developments of St Catharines writes: "Our company has 25 full-time employees. The increase will likely cost in excess of \$10,000 per annum." Ameron industrial coatings in Lively says: "You can shear the sheep every year but you can only skin them once. We've now been skinned."

We know there is an unfunded liability of \$12 billion, just as the provincial finances have this deficit that must be dealt with. But you continue to advance the case that this deficit can be dealt with by continually hiking taxes and we, and the business community and the brothers and sisters worried about jobs, continue to tell you that the more you do it that way, the more jobs are lost, and the more you defeat the purpose of trying to balance the books at the WCB.

Will you today begin to attack the real causes, the out-of-control costs of the WCB? Will you begin to do that? You can start by firing the chairman and the vice-chairman as we speak. Will you do that?

Hon Mr Mackenzie: I don't find the suggestions from the leader of the third party very useful, but that seems to be par for the course these days. If we were trying to add to the employers' costs, as he says, why did we freeze the rates for the last two years? Why did we come up with a 3% increase on average this year alone? Why did we also take a serious look at the classifications and those who were not paying their fair share and those who were paying too much? That's where the adjustments are going and surely the member across the way is smart enough to understand at least that.

The Speaker: New question.

Mr Harris: I am asking you why. Do you want me to answer why? We'll be here all day.

The Speaker: Does the leader have a second question.

Interjections.

The Speaker: Order.

TEACHERS' PENSION LEGISLATION

Mr Michael D. Harris (Nipissing): I have a new question for the Premier. This afternoon we are debating legislation, Bill 121, which tinkers with the formula for who is going to reap the benefit of any in-year surplus in the teachers' pension fund. Will it be teachers or will it be taxpayers? We have no actuarial assessment done to date on any potential surplus. Therefore, we don't know, as we pass this legislation—or you ask us to pass it—who will benefit from this new formula.

Premier, since we have no way of knowing who is benefiting from this and you tell us you're going to do the actuarial assessment after the legislation is passed, would you not agree with me that we should suspend dealing with this legislation until the actuarial assessments are done so that we have some sense of knowing what it is you're going to ask us to vote on today?

Hon Bob Rae (Premier): I could just take the question as notice since it stands in the name of the Minister of Education and Training as well as the Minister of Finance, but I guess my basic comment to the member would be that it's my understanding that this bill is going to go to committee and I would think that if there are technical questions of the kind he's raising, those could be raised and handled in committee in the normal course of events.

Mr Harris: I want to impress a few things on the Premier. Number one, the bill is not going to committee. I'm told the subject matter is going to committee but the bill is not going to committee.

Let me refresh the Premier's memory, because I think the Premier will remember something. In 1989, the then Minister of Education, Sean Conway, the member for Renfrew North, brought in a bill. He asked us to pass it, and he went ahead and passed it anyway, in spite of some concerns.

That bill said that the unfunded liability was \$4 billion. Then he said, "After you pass this, folks, we'll do the actuarial study to find out what the unfunded liability is." That seemed backwards to me and I'm sure the Premier would have felt that was the backwards way to do it. What happened after that was that after the Liberals told us it would be \$4 billion and they passed the bill, then they did the study by Mercer. We found out afterwards the liability was close to \$8 billion, yet the Liberals forced this bill through, not knowing the liability.

Given that you have that precedent before you of what happens when you barge through with legislation without knowing what it is we're talking about—I appreciate you said you'd take it as notice, but we're being asked to debate this bill today—would you not agree that we should not be proceeding with this bill until the actuarial study is done and we know who it is it's going to benefit, taxpayers or teachers?

Hon Mr Rae: I think it's possible that both taxpayers and teachers will benefit. I'm not sure that one should see those two groups as exclusive of each other. But I would say to the honourable member that it's my understanding that the government—and the minister, as you know, has carriage of this bill—has agreed that these issues can be dealt with in committee.

Mr Harris: Given the disastrous record of the Liberals on this whole issue, the legislative changes they made without knowing the cost—they did this to us as well on the Workers' Compensation Board. Remember? They brought in changes to WCB and then we found out that the changes—they said they were revenue-neutral—cost us billions and billions of dollars. They've been a disaster.

Then they did the same thing on the teachers' pensions. They told us it would be \$4 billion. I have the press release, October 19, 1989. A deficit of about \$4 billion, they told us. Then they did the actuarial study afterwards and it turned out to be \$8 billion.

Given what can happen, Premier, when a government barges ahead without knowing the true cost—you have two or three living examples from the Liberal Party here before you took over this province—would you not agree that we should now do the study first, instead of making a commitment to do it after, before we finish this bill? Would you agree with that?

Hon Mr Rae: I like those long preambles, particularly when they involve a major attack on another political party rather than my own, so as much time as you want to go on on that subject. As to any comments you want to make with respect to the sheer profligacy and the political irresponsibility of the Liberal Party of Ontario, I wouldn't want to cut you off in any way.

But I would say to you in all seriousness that in terms of the response to this question, it's my clear understanding that the kinds of technical questions you're raising are ones that will be and can be dealt with directly tomorrow in committee.

SPECIAL INVESTIGATIONS UNIT

Mr Robert Chiarelli (Ottawa West): My question is to the Attorney General. We're quite surprised that you didn't stand in the House today and make a statement concerning the special investigations unit. You know as well as anybody that the SIU is in total disrepute. It is clear that neither the police, the public nor the victims have any confidence in what the SIU is doing, not an ounce of confidence.

Last month a coroner's jury in the Raymond Lawrence case recommended that you fix the SIU and fix it soon. Last week the leader of the official opposition called for the resignation of the director of investigations for the SIU, particularly for his actions in the Vega case.

We now have, over the last several days, an admission from Mr Morton that he in fact told the Vega family that no charges would be laid against the constable involved and did not tell the constable for a period of five months. Can you imagine the unfairness, the gross error in conduct on the part of the director of investigations? So I'm asking you today, will you do the proper thing and replace Mr Morton as director?

1430

Hon Marion Boyd (Attorney General): Mr Morton indeed has been very clear and has admitted his error in that. He has also explained that this occurred because of the process that had been set up whereby he was unable either to inform the chief of police or the Attorney

General until a full report was ready. That was under the processes that had been set up from the beginning of this unit, which, I must remind the member, was set up under his previous government.

When I met with Mr Morton last week and we talked about what the issue was and he explained what the circumstances were, I made it very clear to him that I agreed that that was inappropriate conduct under the circumstances and that we needed to revise that protocol immediately. We did that at that meeting. Henceforth, when a determination is made that an officer is no longer suspect in a case, a quick verbal report to that effect will go to the chief of police involved and to me with reasons to follow, a process that is followed in many complex investigatory cases and court cases. We believe that this will resolve the issue.

With respect to the member's other comments—

The Speaker (Hon David Warner): Would the minister conclude her response, please.

Hon Mrs Boyd: I have stated in this place very clearly that I agree with him that the processes that were set up under the previous government and have been followed are not adequate. We are working with the SIU and will be working with the police community and the regular community, the community at large, to ensure that those processes are improved.

Mr Chiarelli: The issue here is what you have been doing as a government for the last three years: nothing at all concerning the SIU. The issue is the 16 months of management by Mr Morton of the SIU. It isn't only the Vega case that's in question. In Ottawa there was the David Nurse case where it took 15 months to give a response in the investigation. In that particular case Mr Morton publicly apologized; in this case he's acknowledging a gross error.

Newspapers are rife with what's wrong. You haven't denied what's wrong, including an internal audit which says that Mr Morton is incompetent as an administrator. You can't hide behind a previous government. You can't hide behind "looking into the process" any more. You have to act and you have to act now. What are you doing today and this week to solve the problem at SIU?

Hon Mrs Boyd: The member is quite incorrect when he says that nothing has been done. When Mr Morton took over this unit, the backlogs were enormous. The vast majority of those backlogs have been cleared and there has been a great deal of work to try and resolve some of the morass of problems that have existed.

The problem remains that was identified in the Lawrence inquest and again in this particular case around the duty to cooperate. That is a very thorny issue and one which we agree must be resolved in some way. But there are diametrically opposed viewpoints on this, obviously, and always have been, as the member is well aware. The police community takes one view and the community at large takes another, as this is the issue of civilian control over police behaviour and how it can best be achieved while supporting the police in their job and yet ensuring that the community has confidence in the accountability of police officers.

So I would say to the member that there are a great many changes that have been done. I've talked about some of those in terms of the increase of resources, the changing of the unit from the Solicitor General's ministry to the Attorney General's ministry—

The Speaker: Could the minister conclude her response, please.

Hon Mrs Boyd: —the audit which is ongoing. I would say it is important in this House to get on the record that the audit report has not been received. It has been critical of organization but it has not called for the resignation of Mr Morton.

SUPPLY MANAGEMENT OF FARM COMMODITIES

Mr Noble Villeneuve (S-D-G & East Grenville): To the Premier: Over the weekend Ontario's supply-managed farmers received confirmation from both the federal Minister of Agriculture and Agri-Food and the Minister of Trade that our system of supply management would not survive the current GATT round. This is a monumental betrayal of agriculture by the Liberal Party of Canada, which promised Canadians during its recent campaign that it would definitely have a supply-managed system after the election.

To date, our dairy and feather industries have not had to rely on government support. If article XI of the GATT disappears, there will be huge demands for assistance to counter surplus products entering our country and our province, and our farmers in the feather and dairy industries will face very difficult times.

Is Ontario aware of the cost to both agriculture and to the provincial treasury of this betrayal at GATT? Or have we been too preoccupied with free trade and NAFTA to worry about GATT?

Hon Bob Rae (Premier): I appreciate the question from my good friend from eastern Ontario. I must confess to the honourable member that I suspect our reactions, his and mine, were very similar to the attitude and to the positions that have been taken by the federal government in this area. I was discussing them in Oxford county, where I was with my good friend the member for Oxford on Thursday.

Mr Chris Stockwell (Etobicoke West): What's his name?

Hon Mr Rae: Kimble Sutherland. He's a very fine member, a very hardworking member and a very effective member. I had a meeting with representatives of the dairy farmers at that time. I've met with the representatives of the farm community twice in the last two weeks, at the OFA convention and again at the Vision 2020 conference.

The Minister of Agriculture and Food and I and the Minister of Economic Development and Trade and I have been discussing this issue. We are very, very deeply concerned. We've conveyed that concern as directly as we can to the federal government. We are not in support of any move by the federal government to drop article XI, and strengthening article XI is a critical task and target for Canada in trade matters. We think this has provided enormous stability for this part of the agricul-

tural economy and it is a fair way to do business in this country. We don't see any logic or any reason for dropping it as a basic element of Canada's trade strategy.

The Speaker (Hon David Warner): Would the Premier conclude his response, please.

Hon Mr Rae: We would urge the federal government to stay the course for the dairy farmers, for the poultry farmers, for all those people who are covered by a strategy which has worked effectively in this country and in Canada for 25 years.

The Speaker: Would the Premier please conclude his response.

Hon Mr Rae: We ask the Liberal government to live up to at least one promise that it made to the people of Canada in the last election campaign.

Mr Villeneuve: I and my party have been saying for years that GATT is where the action is, and yet the Liberal Party of Ontario and the government of Ontario have been against the free trade agreement, which is GATT-compatible. Don't they understand it's GATT-compatible?

If the government is ready, perhaps the Premier can provide answers to some very basic questions. Will Ontario and the federal government match assistance that producers receive elsewhere in other provinces? Banks will be greatly concerned with the hundreds of millions of dollars that have been lost in quota value and farm income. Quality standards and food safety tests will have to be instituted for products coming in from other countries. Quebec has instituted already a large support program for its dairy and poultry producers in the event that article XI did not survive at GATT.

Producers must get answers. What is the government of Ontario ready to do in these areas where other provinces have already acted?

Hon Mr Rae: Let me say directly to the honourable member, I have urged the federal government to stay the course and I would urge it to do it again today. I would say to the honourable member, I would hope that he would support us in that and that he would not be announcing today that he's giving up on that question, because, let me tell the honourable member, if he were to give up, if he were to abandon that, along with others, he would know that the impact is not confined to the producers.

What we have built here is Team Ontario with respect to the food processing business in this province. I've been discussing this with the producers over the last two weeks very intensely. We have people at the farm gate. We have the companies that are involved. We have the exporters that are involved. We have all those who are trying to deal with this process of change.

I would say to my friends in the Conservative Party, please stay the course with us in fighting the Liberals in Ottawa. Don't give up now just because it's the conventional thing to do or because you read about it on the business pages of the Globe and Mail. Stay the course on supply management. We will be there. But I want to say to the honourable member, the implications of abandoning article XI are not confined just to the producers.

The Speaker: Could the Premier conclude his response, please.

1440

Hon Mr Rae: The plan that would have to be produced would have to involve all those people, processors and others, and I say to him, that's the reason why we have attached so much importance to staying the course.

The federal government told us that it was going to be giving up on a number of other areas, in terms of patents and all those other areas, in an effort to get tradeoffs.

The Speaker: Would the Premier please conclude his response.

Hon Mr Rae: I must say, I haven't been very impressed by the capacity of the horse-traders up in Ottawa to do a job for the farmers of this province, because I don't think they've lived up to their commitments.

PHYSICIAN SHORTAGE

Ms Jenny Carter (Peterborough): My question is for the Minister of Health. Madam Minister, Peterborough county has recently suffered a reduction in physician services because approximately four area general practitioners have for different reasons decided to withdraw from family practice. Unfortunately, they have not located replacements and their patients are being told other doctors in the community are unable to provide service.

The explanations given for this are twofold: We're advised that other GPs have full patient loads and, further, that restraints imposed by the social contract restrict doctors from taking on new patients. It has even been suggested that individual doctors will have to suspend practice for several months in order to meet these restraints, forcing thousands of patients to attend hospital emergency wards for routine treatments. Can you reassure the people of Peterborough on these points?

Hon Ruth Grier (Minister of Health): I'm glad to have an opportunity to address this issue again, because I certainly know that the member for Peterborough and the member for Hastings-Peterborough have been receiving a lot of calls from constituents who have been worried that because physicians are closing their practices for a variety of reasons there may not be services in Peterborough.

I hope the member has reminded her constituents that physicians are self-employed and make their decisions based on their wishes to retire or to move or to close their practices. I hope also that she will reassure them that the efforts of our government to protect the health services of this province by containing their costs do not justify the kind of fearmongering or mass disruption of health services across the province that are occasionally being talked about by some physicians and by some constituents.

Our government has asked everyone who is paid by the taxpayers to do their share in helping us to reduce costs, and so physicians, as a result of our agreement—

The Speaker (Hon David Warner): Could the minister conclude her response, please.

Hon Mrs Grier: —will find their OHIP payments reduced by 4.8%.

There is no reason for a physician not to take new patients should he wish to do so, and in fact I understand that in the Peterborough area there are some physicians currently practising part-time. I would hope—

The Speaker: Could the minister please conclude her response.

Hon Mrs Grier: —that some of them would pick up the new patients who might be available.

Ms Carter: Sensationalist claims are being made locally about the number of people who may be without medical care in Peterborough, and yet up-to-date figures show average patient loads in the Peterborough area to be well below the Ontario average. Madam Minister, who is responsible for ensuring a sufficient supply of doctors to meet local medical needs?

Hon Mrs Grier: As I said, fee-for-service physicians decide where to open a practice and where not to, but the Ontario Medical Association has taken responsibility to try to help people who wish to find a new doctor to in fact make that contact. I would advise her to contact either the College of Physicians and Surgeons of Ontario or the Ontario Medical Association as well as the hospitals, which might keep the kinds of lists that she and her constituents would find helpful.

I must also say to her I am delighted to find that there is a group of citizens in Peterborough county who have been talking with my ministry about the prospect of opening a community health centre, because they recognize that a community-based, community-directed health centre would meet many of their primary health care needs. But in cases of emergency, health care will be provided right across this province to anybody who needs it.

TRADE DEVELOPMENT

Mr Monte Kwinter (Wilson Heights): My question is to the Minister of Economic Development and Trade. Madam Minister, recently Kenichi Ohmai of McKinsey and Co in Tokyo, a world-recognized leader in global strategy, advised Ontario that it should not wait for a Canadian strategy but in fact should take a made-in-Ontario strategy to reach out to those opportunities that are available to it in many areas of the world, including the Far East.

Could you please tell this House how Mr Ohmai's advice reconciles with your government's stand, where you've closed all of our trade offices around the world, with the advice that he has given that we should be reaching out with an Ontario strategy to improve trade opportunities?

Hon Frances Lankin (Minister of Economic Development and Trade): The member opposite does know, and I have spoken to him on a number of occasions in answer to questions on other occasions, that in fact we have developed an international strategy, which is an Ontario strategy, to reach out with respect to Asia Pacific, for example.

We have continued relations with the Asia Pacific Foundation, with the Japan External Trade Organization and with other organizations that allow us to continue to develop the connections necessary to develop the com-

mercial intelligence in order for us to respond in a timely and effective way.

We have developed, I think, the capacity within the Ministry of Economic Development and Trade with the various trade speciality areas to respond in a very effective way on a sectoral basis. We've much better information than we had before. We have also gone a long way to work with the federal government to develop a more rationalized delivery of services between the federal government and ourselves and using its resources in the international offices that it has abroad.

Mr Kwinter: Given the minister's explanation of the strategy that they've put in place, it seems strange that at the very meeting of the Japanese society that Mr Ohmai addressed, which was held in Toronto and which was attended by leaders of the federal government, there was a very obvious non-appearance of any representatives from her particular ministry.

This was also the case at the Canada-China Trade Council, another important meeting at which no Ontario Ministry of Economic Development and Trade representatives were there. How can you have a strategy that is supposed to be expanding our influence in areas of the world when at these meetings which are held right here in Toronto you can't even muster the representation to go and put forward Ontario's point of view and at least show to these key markets that Ontario has an interest in their activities?

Hon Ms Lankin: First of all, I should point out that in fact only one of the conferences was here in Toronto. We were aware of both conferences and we made a conscious decision. Let me tell the member why. With respect to the Japan society conference, it was a one-day event. I have the agenda here and I'd be pleased to share it with the member. It was a combination of academic and other speakers.

The Ministry of Economic Development and Trade officials made an assessment that at a \$500 cost to attend this conference, there weren't business opportunities to pursue there, there wasn't the need for a representative to be at that conference and that wasn't the place where we should be concentrating our efforts with respect to expanding our representation in various networks throughout Japan.

With respect to the Canadian-China business council conference, the conference he was speaking about was held in Vancouver. Rather than attend that conference, again at a cost of sending people, last week the minister responsible for international trade, Minister Allen, met and spoke directly to a council meeting and met with one of the lead ministers from China, who was over here on a delegation.

You will know that Minister Allen also recently attended with a delegation a trip to China, as did the Premier. We're looking at the Premier going to China again in the new year.

I think all of this speaks to the kind of special attention we have given to the Asia Pacific, including leaving our agent general over there until March, which the member and his party were very critical of as well, I remember.

1450

INTERPROVINCIAL TRADE

Mr Norman W. Sterling (Carleton): My question is to the Minister of Economic Development and Trade as well. We are having a great problem with the collection of sales tax in the Ottawa-Carleton area. We are experiencing a tremendous underground economy in the Ottawa-Carleton area.

I am informed by many of the building supply dealers in the Ottawa-Carleton area that the province of Quebec came into their businesses under the understanding that they would be given the right to examine the records of these businesses in order to determine the quantity of business that is being done by Ontario companies over into the province of Quebec.

Under that false premise the Quebec government then came to the Ottawa-Carleton companies, the Ontario companies, and held them responsible for collecting Quebec sales tax, whereas these companies have never been asked to do so before.

Is an Ontario business legally obligated to collect Quebec sales tax when it sells retail goods in the province of Quebec and, vice versa, is a Quebec company legally responsible to collect Ontario sales tax when it does business in the province of Ontario?

Hon Frances Lankin (Minister of Economic Development and Trade): I will try and answer the member's question. He asked for an actual legal interpretation. He will know that the Ministry of Finance is the portfolio responsible, and I have been speaking to the Minister of Finance about this issue. The practice that has been in place for a number of years with respect to the cross-border application of this policy is—

Mr Gregory S. Sorbara (York Centre): It being 6 of the clock, this House stands adjourned.

Hon Ms Lankin: My time isn't up yet, I know it's not; I've just started.

The practice is one in which on neither side of the border are companies required to collect taxes. You asked the specific question: Is there a legal obligation? I will have to get back to you on that. What I am very disturbed about is the province of Quebec unilaterally changing this practice, which has been in place and has been respected by governments on both sides of the border for an extensive period of time.

The member will know, I hope, that we have taken steps to try and sort this out with the government of Quebec. There have been meetings that have taken place between revenue officials, Ministry of Finance officials, in both provinces. Those meetings are continuing to try and bring some conclusion to this that will resolve this problem for this particular business and others that may experience this in the future.

Mr Sterling: The province of Quebec came in and looked at the books of 18 building suppliers in the Ottawa-Carleton area. They said to them when they came in and looked at the books that they were not going to take any action. Subsequently, the province of Quebec has now seized the assets of these Ontario firms which are presently in the province of Quebec.

One firm is being asked to pay some \$380,000, another around \$230,000, and what has happened as a result of this is that the Ontario firms going over into the province of Quebec have ceased to do business over in that area. Some of these firms cannot pay these taxes, plus penalties, which the Quebec government is now claiming that these Ontario firms should have collected from them.

Meanwhile, building supply firms like Pilon Ltd, which is doing \$10-million worth of business, I am told, in the Ottawa-Carleton area and advertises absolutely no sales tax charge on materials delivered to Ontario in advertisements, are continuing to come across from Quebec to Ottawa-Carleton every day to ply their trade.

You can imagine that the building and material suppliers in Ottawa are not very happy about losing the business in Quebec, while their Quebec counterparts come across the border.

Minister, under our laws in Ontario you have the right to seize the assets of the Quebec firms.

The Speaker (Hon David Warner): Would the member please place a question.

Mr Sterling: Will you put our building supply dealers on an even playing field by doing what Quebec has done and seizing the assets of firms like Pilon lumber which are bringing across their lumber here and not collecting Ontario sales tax?

Hon Ms Lankin: The member raises a very good question. It is an area of concern that I share with him, as I do generally the issues with respect to Quebec, Ontario and trade and particularly as it affects the Ottawa-Carleton area.

As I indicated in the answer to the first question, the Minister of Finance is the minister responsible for this portfolio. The question you have raised with me is one that I have already taken up with him and will be continuing to discuss. I believe steps have to be taken to end the practice in Quebec and I think it is necessary for us to pursue the discussions that are ongoing, again, as I have always approached these issues, hopefully with a negotiation to resolve the issue.

I am unable to give you a full answer. I will take it under advisement and I will raise it with the Minister of Finance and undertake to get a response to you.

JUNIOR HOCKEY

Mr Randy R. Hope (Chatham-Kent): My question is to the Minister of Culture, Tourism and Recreation. As we've heard, the dispute between the OMHA and the CAHA and the OHF has been ongoing for a while. I want to know, as a parent who has a young child in the minor hockey association—the dispute that is going on between those two organizations is causing hardship to a lot of families: distance travelled, can't play in tournaments that OMHA supports and CAHA supports. Last week—

Mr Hugh O'Neil (Quinte): Jim Bradley asked that question last week.

The Speaker (Hon David Warner): Order.

Mr Hope: It's amazing some of the comments that come across.

The Speaker: Would the member place his question.

Mr Hope: I want you to know that this weekend a lot of the parents around the rinks were talking about somebody getting a resolution to this dispute, so that their children can play in closer communities near them, play in a tournament season that is coming upon them for Christmas.

Madam Minister, last week you indicated that you had put a mediator in place. I wonder if you could report to this House the findings of that mediator and hopefully some information that will be provided to those citizens.

Hon Anne Swarbrick (Minister of Culture, Tourism and Recreation): I appreciate the question from the member for Chatham-Kent, because he's one of the members who, along with many other members on all sides of the House, have continued to ask those questions of me. I know that not only the member for Chatham-Kent but many members on the other side of the House will be interested in knowing that, following my appointment of the provincial mediator last week, a settlement has been arrived at between the three parties involved.

The Ontario Hockey Federation, the Ontario Minor Hockey Association and the Canadian Amateur Hockey Association worked very hard with the assistance of the mediator and came to an agreement over the weekend that will now mean that all of the boys and girls who play hockey under their auspices in this province will be able to engage in the tournaments following the hockey season.

I want to thank the various parties involved—

The Speaker: Would the minister conclude her response, please.

Hon Ms Swarbrick: —because they clearly did put the boys and girls of this province first. They clearly worked very hard to arrive at this settlement. I want to close also by thanking the provincial mediator, John Berger, for his assistance.

Mr Hope: That's all well and good, but my concern is about the deal itself between the two organizations, because we're talking about children here. I wonder if the minister can inform us about the details of the package that was agreed to between the two organizations so that I, as a parent, will know about it, and the constituents in my community and other communities that are affected by this dispute will know a resolution has been put forward.

Hon Ms Swarbrick: I believe the parties involved in fact should be able to release what they prefer to release themselves. They are making a separate media statement today with regard to their feelings and what they're comfortable with sharing with the public at this point.

I would like to, just in final conclusion, say I'm very much hoping that the parties will use the good faith they developed in this negotiating process to implement the terms of the agreement they arrived at over the coming months. I think of course, as usual, the proof of the pudding will be in the mix. I'm hoping that good faith they finally developed between themselves will help to make sure that the girls, the boys and the families of this province will be able to truly enjoy amateur hockey throughout this province.

1500

PETITIONS

SEXUAL ORIENTATION

Mr Hugh O'Neil (Quinte): I have a petition that's been forwarded to me from some of the residents of the Quinte area, in particular members of the congregation of the Hastings Park Bible Church who are quite opposed to Bills 45 and 55. I'd like to submit this to the Legislature today.

Mrs Margaret Marland (Mississauga South): I have a petition to the Honourable the Lieutenant Governor of the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and therefore could include sado-masochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all references to sexual orientation should be removed from the Ontario Human Rights Code and Bill 45."

CASINO GAMBLING

Mr Alvin Curling (Scarborough North): I have a petition to the Legislative Assembly of Ontario. It says:

"Whereas the New Democratic Party government has traditionally had a commitment to family life and quality of life for all the citizens of Ontario; and

"Whereas families are made more emotionally and economically vulnerable by the operation of various gaming and gambling ventures; and

"Whereas the New Democratic Party has had a historical concern for the poor in society who are particularly at risk each time the practice of gambling is expanded; and

"Whereas the New Democratic Party has in the past vociferously opposed the raising of moneys for the state through gambling; and

"Whereas the citizens of Ontario have not been consulted regarding the introduction of legalized gambling casinos despite the fact that such a decision is a significant change of government policy and was never part of the mandate given to the government by the people of Ontario;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government immediately cease all moves to establish gambling casinos by regulation and that appropriate legislation be introduced into the assembly along with a process which includes significant opportunities

for public consultation and full public hearings as a means of allowing the citizens of Ontario to express themselves on this new and questionable initiative."

I'll sign this in agreement.

ST GREGORY SEPARATE SCHOOL

Mr Bill Murdoch (Grey-Owen Sound): I have a petition to the Legislature of Ontario:

"Whereas the voters and taxpayers of the St Gregory school community have been requesting funds for a much-needed renovation and expansion of the present facility for 11 years;

"Whereas the Metropolitan Separate School Board has placed St Gregory school as one of its highest priorities on the capital expenditure forecast list;

"We, the undersigned, petition the Legislature of Ontario to allocate capital funds to St Gregory school."

The Deputy Speaker (Mr Gilles E. Morin): Petitions? The member for Brant-Haldimand.

LANDFILL

Mr Ron Eddy (Brant-Haldimand): Thank you, Mr Speaker. I thought you'd missed me.

"To the Legislative Assembly of Ontario:

"Whereas the Ministry of Environment mandates that all municipalities, whether upper- or lower-tier, which require to expand or relocate municipal sanitary landfill sites must conduct a waste management environmental assessment study; and

"Whereas it is the policy of the Ministry of Environment to assist in funding these studies at the upper-tier level of local government only; and

"Whereas of the 830 municipalities in Ontario, only 39 are upper-tier municipalities organized at the regional or county level;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of Environment to cease this discriminatory policy and give funding assistance to all municipalities that are required to conduct a waste management environmental assessment study, and that this funding be made retroactive where applicable."

It's signed by 265 residents of my constituency, and I've affixed my signature.

SEXUAL ORIENTATION

Mrs Margaret Marland (Mississauga South): I have a second petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, which reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 55 will make it illegal, with fines up to \$50,000, for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation (still undefined). This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of those religions which do not condone homosexuality, for example, Jewish, Muslim, Hindu, Baha'i, Christian etc.

"We want to maintain our basic right to disagree with

homosexuality, which in no way should be equated with hatred.

"We have moved away from a position where homosexuals and other special-interest groups are no longer content to express their ideas but demand that contrary views be suppressed with stiff penalties.

"At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classroom, thereby proselytizing children with their viewpoints without allowing for differing opinions.

"Therefore, we request that the House refrain from passing Bill 55."

ABORTION CLINIC

Mr John C. Cleary (Cornwall): I have a petition from a number of people who are concerned about the provincial government providing financial assistance for abortion services. The petition reads as follows:

"To the Legislative Assembly of Ontario:

"We, the undersigned, respectfully request that no public funding from the taxpayers of Ontario be allotted to the building or support of the Henry Morgentaler abortion clinic in Ottawa or any other location."

That's been signed by 182 residents of eastern Ontario, and I have also signed the petition.

TAX EXEMPTION

Mr Bill Murdoch (Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario:

"Whereas museums are an essential part of the community, serving to preserve our heritage and educate the public; and

"Whereas municipal governments should be empowered to provide automatic support for museums by enabling them to pass a bylaw exempting particular museums from municipal and school board taxes;

"We, the undersigned, petition the Legislative Assembly of Ontario to support Leo Jordan's private member's Bill 46, An Act to amend the Municipal Act to provide for Tax Exemptions."

I have signed this.

SALE OF LAND

Mr James J. Bradley (St Catharines): This is to the Legislative Assembly of Ontario, and Joe is going to be taking it to the table:

"Whereas the government of Ontario has sold \$450 million worth of land without public consultation; and

"Whereas the government of Ontario has sold the Whitevale golf course, the Seaton golf course, 195 acres of open space in Pickering and 1,355 acres of agricultural land in Whitby; and

"Whereas the government now plans to sell \$500 million of our finest jails at the very time of a weak real estate market;

"We, the undersigned, call on the government to halt its sale of golf courses, open space and jails until the Legislature has had an opportunity to review the policy."

I have affixed my signature to this petition.

SEXUAL ORIENTATION

Mrs Margaret Marland (Mississauga South): Mr Speaker, I want to correct my own record. With the first petition I presented this afternoon, regarding Bill 45, I omitted to read the last sentence, which says:

"Therefore, we request that the House refrain from passing Bill 45."

I did read that when I read Bill 55, but I didn't when reading Bill 45.

1510

TAXATION

Mr Bill Murdoch (Grey-Owen Sound): I have a petition to the Legislative Assembly.

"We, the undersigned, petition the government of Ontario that,

"Whereas the government of Ontario has introduced over \$3 billion in new taxes; and

"Whereas the government has continued to mismanage the economy; and

"Whereas new taxes will only further hurt businesses in Ontario;

"The government of Ontario should cancel any new tax initiatives and place more emphasis on reducing wasteful spending."

Mr Frank Miclash (Kenora): Mr Speaker, on a point of order, if I might.

The Deputy Speaker (Mr Gilles E. Morin): Is it petitions or—

Mr Miclash: On a point of order, if I just might correct the record. On Friday, December 3, an article released by the Canadian Press indicated that in the discussion regarding the casino bill, I indicated that such was the raising of blood money. I have discussed this with the press gallery and they indicated that due to an error in the seating plan, this is not the case, and I just wish to correct the record on that.

The Deputy Speaker: This is not a point of order, and neither is it a petition.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Daigeler from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 47, An Act to amend certain Acts in respect of the Administration of Justice / *Projet de loi 47, Loi modifiant certaines lois en ce qui concerne l'administration de la justice.*

The Deputy Speaker (Mr Gilles E. Morin): Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated November 16, 1993, this bill is ordered for third reading.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Cordiano from the standing committee on public accounts presented the committee's report and moved the adoption of its recommendations.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a brief statement, Mr Cordiano?

Mr Joseph Cordiano (Lawrence): I would like to say that this completes the works of the public accounts committee on the report on non-profit housing.

The report is a culmination of work, and I would like to thank the efforts of the members of the committee for their input. I think the process was a unique one, given that the ministry worked with the committee to make certain changes in administrative policy and practices which were ongoing as the committee reported.

The process is not complete. The ministry will once again come back to the committee with further reporting, but I would say that the committee, in its unique way, brought the ministry forward in terms of administrative practices and policies, and the ministry cooperated with the committee in doing so.

The Deputy Speaker: Would you please move the adjournment of the debate.

Mr Cordiano: I move adjournment of the debate.

The Deputy Speaker: Is it the pleasure of the House that the motion carry? Carried.

ORDERS OF THE DAY

REFERRAL OF BILL 121

Mr Charlton moved government notice of motion number 22:

That the matter of issues related to teachers' pensions be referred to the standing committee on administration of justice for consideration on Tuesday, December 7, 1993, and that the Ministry of Education and Training provide the committee with a technical briefing on the matter at the commencement of that meeting.

Hon Brian A. Charlton (Government House Leader): I think the motion is fairly self-explanatory.

Mr Murray J. Elston (Bruce): We are about to debate the bill on teachers' pensions, Bill 121. This is a companion motion. While we would have preferred actually to have had the bill itself in committee, we were unable to agree upon the abridging of the five-day notice period to prepare the legislative committee for a committee hearing on the Teachers' Pension Act.

We believe there are some very important issues which have to be publicly put on the record, and we have agreed with the government House leader and the Conservative House leader that at least this matter could be dealt with in a bit of a new way. This referring of the matters related to teachers' pensions is actually the substitute reference of the bill itself in the committee.

The Liberal Party believes that there are some interesting features to this bill that should be well understood, that should be well versed in the circles that understand finances. We want to have the technical briefing from the Ministry of Education and Training and from those who are interested in this issue put publicly on the record. Our critic for Finance, the member for Scarborough-Agincourt, will have carriage of this matter and will be dealing with some of the salient features that we as a party believe are already included in the Teachers' Pension Act.

With Mr Phillips's attendance in the committee, we will then be able to assure ourselves of the actual effects of the Teachers' Pension Act that are being proposed by the Finance minister, important features indeed that must be publicly on the record. We therefore support this motion.

I think it's necessary for us to say that we would have preferred to have actually had the act in the committee, but this will suffice on short notice. I thank both the member for Hamilton Mountain and the member for Parry Sound for allowing us at least this courtesy to try and get the public record to contain an analysis of the contents of this very important piece of legislation.

The Deputy Speaker (Mr Gilles E. Morin): Is it the pleasure of the House that the motion carry? Carried.

TEACHERS' PENSION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LE RÉGIME DE RETRAITE DES ENSEIGNANTS

Mr Martin, on behalf of Mr Cooke, moved second reading of the following bill:

Bill 121, An Act to amend the Teachers' Pension Act / Projet de loi 121, Loi modifiant la Loi sur le régime de retraite des enseignants.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a statement?

Mr Tony Martin (Sault Ste Marie): I do. These amendments, which are of a technical nature, are put forward with the agreement and support of the Ontario Teachers' Federation, our partner in the Ontario teachers' pension plan. The government and teachers reached an agreement to operate the teachers' pension plan as partners in 1991. This agreement represented a first, an agreement between government and teachers to work as full partners in the operation of the pension plan, with sharing of responsibilities and rewards.

A key feature of the agreement was to have a transition stage leading to a full partnership after the 1997 valuation of the pension fund. During this transition period, gains were to be shared on a sliding scale. In the early stages of the transition, the government would receive the greater portion of any gains. This allowed us to use the government share of the gains to offset the special payments we are making to pay off the initial unfunded liability of the plan. These special payments were instituted by the previous government in 1989. Under the 1989 Teachers' Pension Act, payments commenced on January 1, 1990.

Now we have agreed with the teachers that we can bring forward the government's share of the gains that would have appeared over the full period of the transition. This agreement does not change the portion of the gains that would have accrued to the government had the agreement not been reached. We expect that this share will allow us to offset our special payments to the fund for approximately three years.

As these special payments have been estimated at \$1.2 billion over the three years, this represents a considerable saving to the Ontario taxpayer. It will also allow us to move more quickly to a full partnership with the teachers.

Full partnership means that when gains are available, the partners can negotiate the use of these gains. Gains could be used, for example, to improve benefits, achieve temporary reductions in the rate of contribution and establish a contingency fund. The next opportunity for such negotiations will follow the triennial valuation of the fund in 1996.

1520

This legislation proposes an exemption to the Pension Benefits Act to give the Ontario teachers' pension plan board full authority to repay to the government special payments that the government has already made to the plan. The partners have agreed that these payments may be replaced by gains disclosed by a January 1, 1993, valuation of the fund. This does not in any way affect benefits that are payable to plan members. This measure does not represent a failure to make payment; it simply allows the refund of money that has already been paid but that the valuation showed did not need to be paid.

The legislation proposes amendments to change the way in which the special payments required to pay off the unfunded liability are calculated. The new method of calculating payments will provide more flexibility. It allows the calculations to reflect the actual changes in teachers' wages. This will bring government payments more closely in line with government revenues. This change will help stabilize the plan. It is supported by the Ontario Teachers' Federation and the pension plan board.

In conclusion, this legislation is built on the spirit of our partnership with Ontario teachers. It has the support of the Ontario Teachers' Federation. It is a product of our partnership and of our commitment to working together to resolve mutual concerns. I ask all members to support this legislation.

The Deputy Speaker: Questions or comments?

Mr Gerry Phillips (Scarborough-Agincourt): Just a question: I've requested for tomorrow's hearings the schedule of payments that are planned to be made against the unfunded liability and I hope that we can have those available tomorrow. I'd like to also know what the series of unfunded liabilities will be and I wonder if the member can also give us that. At the end of this three-year period, what will the unfunded liability be? Thirdly, why has the government rejected what many people thought was the sensible thing to do, and that is to schedule a series of lower payments? Why has the government decided to take a three-year holiday from any payments into the special fund?

I wonder if the member might, in his response, provide answers for those three things: the schedule of payments that will be made over the next three years; secondly, the unfunded liability at the end of this period of time; and why the government chose to take a three-year holiday rather than what I think many people outside of government might have thought was a reasonable proposal, to continue to make a series of reduced payments.

The Deputy Speaker: You have two minutes to reply.

Mr Martin: Just to remind the member that this was a negotiated agreement, a coming together of some

groups to find a way to do this in a cost-effective manner that was durable and would have benefits for everybody concerned. On the more technical questions that he asked, I would ask to be able to respond to that at the end of the debate when we wrap up.

The Deputy Speaker: Further debate?

Mr Phillips: I'm pleased to begin the debate on this motion. The member categorized it as kind of technical amendments. I would say, to ourselves at least, that what we're talking about here is changing the planned payments into the teachers' pension by \$1.5 billion. This isn't a small little technical amendment. The government is going to take a holiday on making payments against what's called the unfunded liability, a 42-month holiday, I gather, of about \$1.5 billion.

My interest in this is twofold. One is that I think one makes the assumption that down the road when there's an election held, there may very well be another party that will be responsible for dealing with this situation, so I'm anxious that we understand what we're getting into with this. I understand that there's an agreement between the two partners, but my judgement is that this is because for one of the partners it doesn't matter too much, I gather, because the taxpayers, the government, are going to be clearly on the hook for this.

What first got my interest in the bill was that the first thing we should realize on this technical amendment is that this bill exempts the teachers' pension plan from the operation of section 78 of the Pension Benefits Act. Alarms go off whenever I see a bill before the Legislature that exempts anyone from that provision. What is that provision in the Pension Benefits Act? It's what I call the Conrad Black provision, which is designed to prevent employers from taking surpluses out of pensions without agreement and without notification of all the various people who are involved in the pension.

The one the government wants to exempt itself from is section 78 of the Pension Benefits Act: "No money may be paid out of a pension fund to the employer without the prior consent of the commission." They plan not to do that. "An employer who applies to the commission for consent to payment...that is surplus to the employer out of a pension fund shall transmit notice of the application" to "each member...any other individual who is receiving payments out of the pension fund; and the advisory committee established in respect of the pension fund." There's a series of things here that are required of the employer when it is planning to take money out of the pension fund.

That was the first thing that got me worried about this act. Believe me, if this were Stelco or General Motors or any private sector company that wanted to get agreement to bypass that provision, I don't think there would be an NDP backbencher who would ever agree to it, yet you want to pass a bill that allows you to specifically bypass that.

The second thing is that what I think is planned here—and let's all of us recognize that there is an \$8.8-billion unfunded liability in the teachers' pension. That's straight out of the government's books: December 31, 1993, the unfunded liability is \$8.8 billion. There's now been, I

gather, although I have yet to see it, although I've now asked two different sources for it, the actuarial report that confirms that it isn't an \$8.8-billion unfunded liability, that it's now about \$1.2 billion less than that, I gather. So it is perhaps a \$7.6-billion unfunded liability.

We have a huge debt and there is only one person responsible for that: the taxpayer of Ontario; nobody else. What are we going to do here on this bill? We are going to take a 42-month holiday from making any payments against that \$7.6-billion unfunded liability and it's going to grow dramatically over the next 42 months. I'm anxious and I will be looking tomorrow, I gather, or later today, when the member responds, to what it will be at the end of 42 months. What will the unfunded liability be at the end of it? It will be at least \$1 billion more than that \$7.6 billion.

I understand completely why the government wants to do it. It allows them to show spending every year about \$300 million less than they would've had to do. It allows them to borrow presumably \$300 million less than they would've had to do. When bond rating agencies and the public look at it and say, "My, my, how well Mr Rae is managing the finances of the province," it is a mirage, it's purely illusionary, because it's—

1530

Interjection: A shell game.

Mr Phillips: —a shell game, because that amount of money is running up the unfunded liability, with the taxpayers having 100% responsibility to pay it off. It's hiding the debt, completely hiding the debt and hiding the spending. As you try and get these "technical" amendments through, you may get away with it for a month or two months, but not much longer.

Mr Gregory S. Sorbara (York Centre): Not beyond the next election.

Mr Phillips: "Not beyond the next election," my colleague says. Let's make no mistake about what's happening here. It's creative and it's interesting. It's consistent with a pattern, in my opinion, of trying to mask the real finances of this province, whether it be selling \$500 million worth of jails, which the government plans to do, selling its jails to itself and then leasing them back; whether it be what happened last year on the teachers' pension. Do you know what happened last year on the teachers' pension?

The government was supposed to pay \$500 million to the teachers' pension on January 1, 1993. They reschedule it to April 1, 1993, rescheduled it for three months. Surprise, surprise. Why did they do that? So they could show \$500 million less in spending last year. Do you know what that costs the taxpayers? It cost \$3 million. All we got out of that was the province reported its spending as \$500 million less than it really was.

The taxpayers of the province spent 11¼% interest on that. The interest penalty on that was \$3 million. The taxpayers got nothing. To the taxpayers who may be listening to this, it cost you \$3 million for absolutely nothing other than that Bob Rae reported his deficit as \$500 million lower than it really was.

Luckily, the Provincial Auditor spotted it.

Mr Drummond White (Durham Centre): Oh, come on.

Mr Phillips: Well, ask the auditor. Read your own reports.

Mr White: You were \$2.5 billion out.

Mr Phillips: The member across the hall is heckling, but the Provincial Auditor spotted it and refused to give an unqualified opinion on the books, for the first time in the history of the province, because he said, "That's not right." The member is shaking his head, but those are exactly the facts.

For the taxpayers, it cost us \$3 million. You know what? You're going to do it again this year. You're going to delay that \$500-million payment again this year. The shenanigans are going on.

Mr White: You were \$2.5 billion out.

Mr Phillips: The member chooses to heckle, but I think the teachers and the Ontario Teachers' Federation, who are watching this, will want to ensure that we know how to manage this fund and that we don't do what I think is being planned here, and that is to run up the unfunded liability by more than another \$1 billion.

Mr George Mammoliti (Yorkview): How did Nixon do it?

Mr Phillips: That is what we're talking about here today, is the game that the government's playing. They choose to heckle because I don't think the member across the hall, across the Legislature, wants to recognize—you would never, ever, ever have agreed to any employer bypassing this provision of the Pension Benefits Act and not notifying the pensioners that you're going to—do you know what you're going to do? You're taking \$300 million out of the teachers' pension. There's only one way you can do that. You have to try and get a bill through the House that exempts you from this—I call it the Conrad Black provision—the surplus provision of the Pension Benefits Act.

But perhaps more important is what we are doing here. The government is cutting out \$1.2 billion of its planned contribution to the pensions. It's going to let the unfunded liability run up dramatically. We will find out that number tomorrow. Here's the problem, I think, for those who are interested in ensuring that the teachers' pension is properly and adequately funded. By the way, I don't think there is any penalty to the teachers in this. The problem is that at the end of 42 months, at the end of this program, this unfunded liability, which right now I gather stands at around \$7.6 billion, will be at least \$1 billion higher than that—at least \$1 billion, perhaps more. We are kidding ourselves by taking this holiday and letting the unfunded liability run up.

I will be interested as well in determining, when we delay the \$500-million payment to the teachers' pension, what interest we are going to pay on that.

What started out as small, technical amendments—I hope we understand we're not dealing with a small, technical amendment; we're dealing with a fundamental change in the funding for the teachers' pension plan. We're talking about the unfunded liability being run up dramatically. We're talking about doing something that I

would have thought, for many, was almost the last thing you do.

As a matter of fact, if you read the Agenda for People—which I do frequently—you'll find that there's a whole section on pensions and withdrawal of surpluses, how bad they are and how much the NDP objects to them. Wait a minute; I do have—this is fortunate—the Agenda for People. Here we are, "Pensions."

Mr White: Where? Talk about housing.

Mr Phillips: The member wants to talk about everything but the pensions, and I understand why he prefers not to talk about the pensions. But unfortunately for him, that's the act that's before the House, and so we will talk about pensions.

Mr Sorbara: What does it say in the Agenda for People?

Mr Phillips: "Pension 'surpluses' would belong to the members of the plan, not to employers." Here we are bypassing section 78 of the Pension Benefits Act. Again, I'm not saying that from the teachers' perspective this has a negative impact on them. It may very well be that the government has committed that: "Don't worry. Don't worry that the unfunded liability is going to go way up. Don't worry that we'll take a 42-month holiday for making those payments. Don't worry that at the end of the 42 months the unfunded liability will be dramatically higher than we previously estimated."

Mr Sorbara: The government guarantees it.

Mr Phillips: The government guarantees it, as my friend said. But there is no doubt that all this is running debt off book. Frankly, as a matter of fact, now that I recall the bond rating agencies that looked at the government's finances, one of their concerns was this. One of their concerns was what we're doing with pensions. One of their concerns was that we were running up debt in the pension funds rather than putting ourselves on an orderly stream of payments into the pension funds.

As I said earlier, what started out for me at least as a minor bill, as we get into it and I see the implications for the teachers' pension fund and the implications for those who are managing it, I have increasing questions. I'm looking forward to tomorrow because I very much want to see what the benefits are in this proposal. I see lots of problems. I see a lot of problems in what's proposed here.

The only benefit I can see is that for a very short period of time, until everybody realizes it, the government will be able to say, "We're spending \$350 million less than we really are." It's only a matter of time before everybody says: "Wait a minute. We're just kidding ourselves. The real debt is running up in the unfunded liability."

What should be done? That perhaps is the question. I hope that tomorrow we can talk about a different schedule of payments, where we can say, "Why don't we?" To use the terms of someone who's an expert on this, you can take all of the savings right away.

In fact, if you remember what happened when there was a change in government in Ottawa, the Auditor General—as they call the auditor there—indicated his

concern with the way that "pension savings were reported federally," and the federal government restated those savings.

I've a feeling that we are dealing with very much the same thing here, where there is a "savings" over the 40 years that the government wants to take all at once, let the unfunded liability run up and show spending perhaps \$300 million lower than it is.

1540

The alternative, it seems to me, that one needs to discuss is to do what a pension expert told me. He said the other way of doing it is you simply reduce your annual payments by an appropriate amount. You continue, then, in the books of the province to reflect your true annual costs—you don't take this 42-month holiday—and then the province's finances are established in a way that show your true annual expenditures. Certainly if this were a company, I wouldn't think there'd be many companies that would want to attempt to distort their finances to the extent that this will for the province.

We have some severe reservations about it. I understand why the teachers' federation can agree to this, because from its perspective, "You can do it one way, you can do it the other way, you can pay me now, you can pay me later, the government's guaranteeing it." It can accept, I gather, the unfunded liability running up. I have no difficulty with the Ontario Teachers' Federation and its organization saying, "This is fine with us," but we're here representing one of the major funders of the fund, namely, the public. From the public's perspective, I see some significant concerns in this, not the least of which is that we are not accurately reflecting our annual costs. We're taking a 42-month holiday, and then the costs go all the way back up with a substantially higher unfunded liability.

I hope I've got on the record our concerns about this bill, and they're substantial. I look forward to tomorrow's debate at committee where we'll have a chance to, I hope, get a much better understanding of where the public benefit is in this. I will just say that in my opinion this is going to cost the taxpayers of this province money; it won't save them money. It may be that temporarily we are borrowing less money, in one case, but we're running up a lot more money on the unfunded liability, in the other case, I suspect at a higher interest rate than we could be borrowing the money. I have a feeling that the taxpayer is out money, and the only possible benefit to the government is the understandable one, and that's the ability to report a lower deficit than it really has.

With those comments, we'll look forward to more detailed debate at committee tomorrow.

Mr Sorbara: I followed as well as I could the comments of my friend the member for Scarborough--Agincourt, and I just say to you, I don't think there's anyone in this Legislature who understands these issues better than he does.

There was one point, however, that he didn't make, and I would appreciate from him, if he would, a comment on this. He mentioned the fact that part of what is contained in this bill, if I understand it correctly, is a

contribution holiday; that is to say, that the government will not be making contributions to the plan for the next 42 months. It seems to me that this represents a way of spending money now, the money that you would have contributed to the plan, spending that on other programs now and deferring the taxes that you're going to need to raise to make the payments until a later time.

The government did that very same thing, for example, when it changed the driver's licence period from three years to five years. Basically, what they did is they grabbed the money that taxpayers and drivers would have paid for their licences in the fourth and fifth years and they brought that money into revenue in the first fiscal year, so that they made their revenues artificially higher.

Here, it seems to me, one of the other negative things that the government is doing is deferring the payments that it otherwise would have had to have made into this pension plan until 42 months hence. It's pretty obvious from what you hear on the street that 42 months from now the New Democratic Party is not going to be in government and it's going to be for the successor government to have to come up with those new and higher payments to begin to make the plan whole again.

I thought this perhaps was one other aspect of this rather unfortunate fiddling with the teachers' pension plan, as my friend the member for Scarborough-Agincourt said. The teachers have agreed to it, but there is a larger issue, and that is the burden it places not only on taxpayers who are paying taxes this year but the taxpayers who will be paying taxes over the next several years to come.

The Deputy Speaker: Questions or comments?

Mr Martin: I want to make it perfectly clear that the government is in fact not taking a holiday, that rather the government is using gains from this plan to offset payments. Government payments towards unfunded liability will continue to be paid. Nothing in this bill affects the size of this unfundability in any way.

There was a reference to exemption from the Pension Benefits Act. I would ask that the member opposite who asked this question would wait until tomorrow, when that question will be addressed in some detail in the briefing that will happen after the passing of second reading today.

We repeat again that contrary to what the previous Liberal government in this House did on many occasions, we in fact have a deal here that was done with OTF and it's in agreement with these amendments.

Mr Sorbara: Oh yes, indeed you have, at great cost to the taxpayer.

The Deputy Speaker: You had your turn, please.

Questions or comments? Further questions? Further comments?

Mr Phillips: I'm pleased to respond to both members. The member for York Centre is absolutely right. What we've got here is a bit like you owe money on your house but you can't afford to make your mortgage payments. You're not making enough money to make your mortgage payments so you say to the bank, "Listen, give me a three-year holiday." The bank says: "Sure,

we'll do that, but the interest and principal keeps growing on it. If you can't afford it now, what makes you think you can afford it in three years?" You say: "Just trust me. I'll be able to afford it in three years."

What we're doing here—there's not much doubt about that—is we're letting the debt run up on the unfunded liability because we can't afford to pay for it now and we somehow think we can pay for it down there. That's not going to happen. We should be showing our true cost. If we did that, the public would understand our true cost.

I just have a difference of opinion with the other member, the member for Sault Ste Marie. I know the language that's used here. They'll say: "Well, we're not really taking a holiday. It's just that we won't be making any payments into it. It's not really a holiday. We won't make any payments. The reason we won't is because we thought we owed \$8.8 billion but we only owe \$7.6 billion, so we'll take a three-year holiday." We are playing a semantic game.

The fact is, as I understand it—and I'll know a lot more tomorrow because I can't get the numbers today; I've been asking for them—I think that as of January 1, 1993, the unfunded liability was \$7.6 billion, and the government plans, as of January 1, to make no payments against that for 42 months. That to me is a holiday. That's a holiday. That's a plan to not spend any money for 42 months and let the unfunded liability run up. That, as I say, in my opinion is potentially dangerous.

Mr Sorbara: Mr Speaker, on a point of order: I know that the member for London North is going to give a very important speech on this issue. I think it would be appropriate that there be a quorum present in the House for this address.

The Deputy Speaker: Would you please check if there is a quorum?

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

1550

The Deputy Speaker: Further debate?

Mrs Dianne Cunningham (London North): The occasion this afternoon, in December just before Christmas, brings back a few memories of a couple of years ago. I can remember speaking at that time to Bill 66 on December 20, wishing of course that, like all other people who are trying to manage their lives, this Legislative Assembly would not in fact have been meeting two or three days before Christmas Eve at all, because that was not the House rules. We had to break them to continue on.

Secondly, the important business of the House was being discussed at that time with very little time for thoughtful consideration and communication with the people whom we represent. That was the Liberal legislation. It was called Bill 66. It merged the teachers' superannuation fund and the teachers' superannuation adjustment fund into a consolidated Ontario's teacher pension fund. The actuarial surplus in the teachers'

superannuation fund was used to offset the deficit in the teachers' superannuation adjustment fund.

So far, anybody who's trying to follow what I'm trying to say will say, "That is pretty complicated, very complicated stuff." At that time, on December 20, we were dealing with some pretty complicated legislation. The government of the day, for some reason, had to rush this stuff through. The government assumed full responsibility with that legislation for the unfunded liability and agreed to make special payments of \$4 billion over a 40-year period. The real problem at that time was the Liberals did not have the numbers. We didn't know what the true unfunded liability was, and we were being asked to vote on legislation where we didn't really know the facts.

At that time, the teachers had entered into negotiations and it was then our responsibility to take a look at what had happened, to carefully consider the ramifications of any piece of legislation that's passed by this Legislative Assembly and to report back to the constituents, including teachers, as to the results of our discussions. There was no time for thoughtful consideration of a very important bill.

I find myself again in the month of December having to look at a very important piece of legislation, extremely technical. Quite frankly, I think the parliamentary assistant to the minister from Sault Ste Marie is looking forward to a briefing in committee tomorrow so that he too can have his questions answered. I have to say to myself: What is the rush? Why are we forcing this legislation through in this manner? The teachers agree to it, they have been working with the government to come up with these solutions.

I have to tell you, we were informed last Friday that there would be a briefing. My staff attended because I was elsewhere, in fact speaking to an education group at the Ontario Institute for Studies in Education that very morning. Over the weekend our advisers worked on this legislation trying to find out just what kind of details would be important to discuss with us this morning. We find now that we don't know what the implications are to this piece of legislation, and it takes us back to the very situation we found ourselves in in December 1989.

I will say to the member for Scarborough-Agincourt—he wasn't the minister at the time but he was still a member of the government, and he's noted for his thoughtfulness and his expertise in this area—I think at that time, if the Liberals had had the same kind of consideration and took the time to think things through and understood what they were doing, they would not be in the embarrassing position they must find themselves in this afternoon. Because at the time we passed the legislation on December 20, 1989, we were advised that the liability was something like \$4 billion, and after William Mercer was hired and took evaluation on the unfunded liability, they reported that the unfunded liability was \$7.8 billion, almost double the government's estimate of \$4 billion.

At that time, I can tell you that the NDP members in opposition were asking the same kind of questions that the Liberals, who are now in opposition, are asking and that we're asking. Doesn't anything ever change when it

comes to process? I think not. My colleague over here from Durham is shaking his head in agreement. As a result, I think we will see another government just kiss their jobs goodbye, and rightfully so. We would be absolutely irresponsible if we were to stand up here today without the information we need to support this kind of legislation to vote for it.

The teachers have assured us that this legislation is in order, and I certainly respect their opinions from time to time. Maybe they have the information this afternoon, but we don't, and we won't have it until tomorrow at some government briefing. Certainly the parliamentary assistant couldn't readily answer the member for Scarborough-Agincourt's questions this afternoon. In fact, on one issue, the issue of the transition period, he couldn't answer the question at all.

I was very interested this afternoon to listen to my colleague talk about something that I think has been very important to this government in the past, and that is with regard to the amendment that authorizes the return of payments to the minister and exemption from section 78 of the Pension Benefits Act.

What does this really mean? A non-application of the Pension Benefits Act. That's an act that was set up to assist employees in getting information. People refer to it as the Conrad Black amendment. It's a clause that makes certain that employees understand what changes any employer will be making to their pension benefits. What is the provision designed to prevent? Employers taking surpluses from employees without communicating to them. That's what happened during the negotiations around the Pension Benefits Act.

Now we find as one of the amendments to this act that we're going to ignore it. I can hardly wait for the government to explain tomorrow why this would be an amendment. Whatever took place during the social contract negotiations this past summer to make the government, this NDP government that cares so much about employees, put this into an amendment that takes away a provision that forces employers to give the employees information with regard to their pensions or any surpluses within those pensions?

I actually see members of the government shaking their heads and asking themselves. It is totally irresponsible for any of us to be even speaking to this legislation in the House this afternoon. This is the kind of legislation that should be carefully considered. We have a responsibility on behalf of both the teachers of this province and the taxpayers to clearly understand what is happening as a result of any legislation.

1600

The amendments contained in Bill 121, the one we're speaking to this afternoon, the government says "are required to implement the memorandum of understanding agreed to by the Ontario Teachers' Federation at the partners' committee on August 19, 1993. The amendments are supported by the Ontario Teachers' Federation and the teacher's pension plan board."

Implied in that is probably a responsibility on our part to support an agreement. Under most circumstances, that

would happen, but we still have a responsibility to question what's happening here and we have a responsibility to represent the public when we have no idea what the actuarial studies are going to tell us about the unfunded liability in the teachers' pension plan and what this new arrangement will really do. Until the government has given us those numbers, it would be irresponsible for us to support it, no matter what the agreement.

The Teachers' Pension Act is amended as follows:

(1) Changing the names of the minister and ministry. I believe that's as far as the parliamentary assistant got in his reading of the amendments. That one we all understand: to change the names of the ministry and the minister.

(2) Removing the transitional period provisions as per the partners' agreement in subsection 3(2). That one takes some careful consideration. It removes the transitional period. It's a very different agreement, and we don't have the numbers to know what an equal share in any future surplus or liability would be.

The third part, and I've already spoken to it in part, is authorizing the return of payments to the minister.

Interjection: Housekeeping.

Mrs Cunningham: Housekeeping, but exempting from section 78 of the Pension Benefits Act absolutely astounds me, and I'm eager to hear the explanation of that amendment on behalf of the government of the day.

(4) It adds a definition for cumulative wage experience factor. That is clearly spelled out in subsection 8(2). There is probably a housekeeping need for that, but those will be our questions tomorrow.

(5) It confirms a 40-year payment schedule for the unfunded liability and provides instruction to the actuary for the calculation of the special payments at each valuation. It allows the Minister of Finance to pay down the unfunded liability from the consolidated revenue fund and offset gains from special payments.

Right now, we have to ask ourselves: This unfunded liability is \$7.6 billion, perhaps \$7.8 billion, and we will have at least another \$1 billion before this agreement concludes. Therefore, we are looking, on December 31, 1993, on the government books, at \$8.8 billion in unfunded liability relating to the teachers' pension plan. In fact, it was that number, as my colleague from Scarborough-Agincourt addressed so ably in his remarks, that caused the Provincial Auditor not to sign the government books in the province of Ontario.

In August 1991, we all know that the Ontario Teachers' Federation and the Ministry of Education—at that time the minister was Marion Boyd—signed an agreement on equal partnership in the teachers' pension plan. As a result, teachers and pensioners, through the Ontario teachers' plan, were to share the management and financial responsibility for the plan. The agreement, effective January 1, 1992, included the following clauses:

—Equal representation on the teachers' pension board of directors. The government and the OTF each selected four representatives with a neutral chairperson chosen by mutual agreement. The term of office for all members will be two years with a maximum of four terms. At the

time of the deliberation of this Liberal legislation, many of us understood and supported that concept.

—Continued commitment by the government to pay the unfunded liability as of January 1, 1990. We understood at that time that this would be a \$4-billion liability, but because we weren't given the numbers and there had been no actuarial studies, we then found out a few months later that in fact that liability was \$7.8 billion. The taxpayers had a lot more money to pay off in cooperation with the teachers, they paying part of the share.

—Equal share in any future surplus or liability. This was to be phased in over five years and there was a table, and this is the table that is being changed in the new legislation.

—The government could use its share of the gains to offset its payments for the unfunded liability. We certainly know about the tinkering of the books this year. We certainly know that instead of paying off \$500 million on the unfunded liability, the government of the day just shifted it to April 1 so it looked like we had that much more money in the budget and made its deficit look at least half a billion dollars less.

I'm happy we've got an auditor who corrects governments when they play with the books in the manner that this government did. As a matter of fact, the Liberal government before them did the same thing. Even when they went into an election, they said they had a billion-dollar surplus, and we all knew very quickly afterwards that in fact they did not.

—The level of gain or loss will be determined by evaluation every three years.

The fourth part of that agreement stated negotiation of benefits and contribution rates every three years. Where agreement cannot be reached, there will be compulsory binding arbitration. The arbitrator cannot impose a rate increase of more than 0.5%.

The last point negotiated in this partnership agreement was ongoing discussions of non-monetary issues. I have to ask myself, what did happen during the social contract negotiations this summer? A partners' committee was set up to resolve disputes on issues other than benefits and contribution rates. I'll be asking those questions tomorrow, and I put the parliamentary assistant on notice. The Ontario Teachers' Federation and the government each appointed three members.

Then this summer, during the social contract negotiations, the Minister of Finance announced \$500 million in pension contribution savings. The savings were the result of a changing economic environment, such as lower than expected salary growth and inflation rates, which had a direct impact on public sector pension plan liabilities.

The government will apply the resulting actuarial gain from the teachers' pension plan and the public service pension plan to its scheduled special payments to eliminate the unfunded liability. Special payments for both plans will total \$1.5 billion over the next three years, or \$500 million annually. The gain will consist of \$1.2 billion in the teachers' pension plan and \$300 million in the public service pension plan.

The government and the OTF have reached an agreement to conduct a validation as of January 1, 1993, and as part of the agreement, the first \$1.2 billion of actuarial gain will be established as the government's exclusive share and will be applied to the government's special payments. I hope so.

The teachers' pension plan board has instructed this actuary to perform the necessary valuation to determine if the gains are present. After the valuation, teachers will become full partners in the plan. The transitional period provisions are deleted from the Teachers' Pension Act, subsections 5(5) and (6).

The question to be considered and the one I would hope the parliamentary assistant will take down so that we can have it answered tomorrow is this: Why has the government decided to terminate the transitional phase-in? I want that question answered. He can't answer it today; we've already asked it.

The government could have used its 40% sole share of any gain to help pay down the \$7.8-billion unfunded liability. How much will this decision cost the government?

1610

Whenever we postpone payments on any debt—and it's interesting to note that this debt in fact has not been included in the mix of debts for this province. Whether we're looking at Ontario Hydro, the provincial debt itself, the WCB unfunded liability, the teachers' unfunded liability, the \$7.8 billion, that was not in the mix—

Mr James J. Bradley (St Catharines): Was that not included?

Mrs Cunningham: Not in the mix. I wonder what our credit rating would have been if that had been in the mix.

Our greatest fear is that this government will let the unfunded liability run up. It's either \$7.6 billion or \$7.8 billion right now, I can't remember. At the end of the program, it could be even \$1 billion more. We're increasing the debt to our young people. The liability to them through the years will only be increased taxes. We have seen the track record of both the Liberal and the NDP governments in adding even more taxes on to the small and meagre wages of so many of our young people to pay down debts that were built up during booming economic times by the Liberals, no doubt, in the province of Ontario.

Mr Anthony Perruzza (Downsview): How well did Brian Mulroney do?

The Deputy Speaker: The member for Downsview.

Mrs Cunningham: The member for Downsview, Mr Speaker, as you have well noted, loves to talk about the past. We're here to talk about the future and our responsibility to make changes in the best interests of the taxpayers of Ontario and of our young people.

I can only say today, as I speak to this legislation, that I am absolutely frustrated with the process of government in this Legislative Assembly, through its committee system, the total lack of respect for the public in asking their opinions, listening to them—we don't listen—giving them information, looking for input. You tell me how this could happen when this legislation came to our attention last Friday? My staff were briefed. We've had a few

hours over the weekend to look at it. The government cannot tell us the actuarial numbers now, today, in December 1993, not unlike the Liberal government of the day on December 20, 1989, with—I'll never forget it—Bill 66. They didn't know what the numbers were. The well-respected member for Scarborough-Agincourt stands up today giving this government all kinds of assistance, I think, in understanding what they're trying to do, but more importantly, criticism for what they're doing, yet the Liberals did exactly the same thing.

Government in Ontario is not working. I would have thought the socialists would have picked up on that, at least around process and asking the public for its best advice.

I know the teachers and the government negotiated this during the social contract hearings this summer. That wasn't the way we would have found money to help balance budgets and pay down debts and deficits in this province. There would have been a 5% across-the-board cut to everybody. That way young teachers moving along the grid would not have been penalized, stuck in the same position, those who need the money the most. We wouldn't have gotten into all these agreements that no one knew anything about—side agreements, I call them—that have absolutely every impact on the taxpayers' ability to pay down the road. Nobody cares what the implications of the social contract are all about, and this is just another indication.

So tomorrow in committee, we will be asking these questions. It isn't that we don't want to honour agreements that are made with teachers and with this government, but if our questions are not answered satisfactorily in the best interests of the taxpaying public, including teachers, we will not support the legislation.

I appreciate the opportunity to speak to any legislation in this House. I do not appreciate the fact that a piece of legislation this important has been allowed a couple of hours during this House's deliberation this afternoon and we have been told on the order paper, resolution:

"That the matter of issues"—issues—"related to teachers' pensions be referred to the standing committee on administration of justice for consideration on Tuesday, December 7, 1993, and that the Ministry of Education and Training provide the committee with a technical briefing"—the technical briefing that the parliamentary assistant talked about had to do with changing the names of the minister and the ministry, which he did understand, but he did not understand the other four issues; I'm absolutely appalled—"on the matter at the commencement of that meeting."

I object to this process. It's totally unacceptable, and it's not the way this government should be operating the province of Ontario in the best interests of the taxpayers who support the programs that are necessary. They're not interested in people's opinions. They don't know how to consult. People come before committees; they're disregarded. Most of us get amendments such as this with no recourse. We have to buy into them all the time and we're getting sick of it. That happened with the former government. They kissed their seats goodbye and I believe the same thing will happen to this government.

The Deputy Speaker: Questions or comments?

Mr Ted Arnott (Wellington): I'm pleased to rise and compliment the member for London North for her fine presentation this afternoon on the issue of teachers' pensions. She made a number of very relevant points, most specifically, the absence of information this Legislature has at the present time upon which to make a determination of whether or not this bill is good or bad. We're being asked to consent to second reading debate—of course, that is the principle of the bill that we're discussing this afternoon—fully in the absence of all the relevant information.

There's been a commitment made by the government that there will be an actuarial study presented at the committee tomorrow, but in effect we don't have all the facts, we don't have all the information and it's premature to be bringing this to the House for second reading in advance of all that information.

Certainly, it's the obligation of the opposition parties to closely scrutinize legislation before we give our assent or before we determine if we're going to support it or not. It's very important that the public know and the public have confidence that the opposition parties will indeed closely scrutinize legislation such that the public interest will be served.

During the course of this debate, we've heard some specific concerns about how the government's policy of undervaluing the deficit figure is creating problems in Ontario. When we see the government having difficulty explaining to the public service that the social contract is required, that a 5% rollback of their salaries was required, and yet they consistently continue to understate the deficit figure in a deliberate way, it's no wonder people don't fully understand the level of indebtedness in this province and why the social contract was required.

I don't think the public interest is being served with this bill. In terms of the process, we see that important information has been denied to—on two minutes, Mr Speaker, am I concluded?

The Deputy Speaker: Yes, you are. I'm glad you noticed that we are having difficulties with the clock. You've been very patient. I congratulate you. But your two minutes has expired. Questions or comments? The member for Sault Ste Marie. Again, we will keep a record of your time.

Mr Martin: Listening to the member opposite is like déjà vu all over again. She says she doesn't have the information, but she has noted that a briefing was offered to the PC critic, to herself. In fact, the briefing was provided on Friday to her staff and all questions at that time were answered by the ministry staff. Perhaps she should have spoken to her staff before she came here this afternoon. When members of the House requested a briefing at committee, the government agreed to do that, and a full technical briefing will be provided tomorrow.

She has referred and her leader suggested earlier today that there is no valuation available. In fact, a valuation has been completed and has been filed with the Pension Commission of Ontario. Again, we will be proffering some details on that tomorrow, and perhaps at that time

we'll be able to get into the kind of discussion that venue offers certainly more comfortably than here.

I need to note that the tack this member takes seems to be always the same, it's either not enough or it's too late or it's a process question or the parliamentary assistant somehow is to blame in it all because he doesn't understand what this is all about. I suggest to her that other members of this House besides herself do in fact do their homework and know what we're doing here and that this government is taking care of business in a way that has been wanting around this place for a long time. She criticizes the Liberals in the same vein as she criticizes us, and I would suggest that perhaps she should look in her own backyard first.

1620

The Deputy Speaker: Further questions or comments? If not, the member for London North.

Mrs Cunningham: I think the parliamentary assistant doth protest too much. I would recommend to him that if he thinks that phoning someone's office on a Thursday afternoon would allow the member to be available on a Friday—maybe his schedule's open on a Friday, but personally I was speaking at the Ontario Institute for Studies in Education. I'd set that up for some five months and I don't have that kind of time in my schedule. I can understand why he might in his, but I don't want to be any more personal than he is in his remarks today.

I say to him that when he's in opposition two years from now, I expect him to stand up and ask the same kind of questions. It's his responsibility to take more than a weekend to take a look at a major piece of legislation. If that's his standard, he can keep it, and I hope the citizens of Sault Ste Marie treat him accordingly.

Mr Bradley: I hadn't necessarily wanted to debate this this afternoon because there are others who have capably done so, but I've listened to some of the comments made and they can't go without rebuttal. I've listened to them a couple of times this afternoon. There's a history to this, of course, a history that has come home to haunt some people around the province.

I well recall in cabinet having to deal with the issue of the teachers' superannuation fund on many occasions, and one of the things I know—and I listened to the leader of the official opposition, who—

Interjection: Third party.

Mr Bradley: Third party, sorry. Mr Harris from North Bay, the member for Nipissing, on many occasions talked about this. We all remember what happened to Pinocchio when things weren't so accurate: Pinocchio's nose would grow. I expect when I see the Leader of the Opposition—

Interjection: Third party.

Mr Bradley: —the leader of the third party, the member for Nipissing, in the House the next time, I suspect that his nose is going to be hitting the microphone or reaching right across the floor because of the kinds of things he's been saying in this House, and similar things are going to happen to him as happened to Pinocchio. That's all because one cannot accuse another person of misleading the House and I don't want to do that.

I do want to go into some history that some of the members who've been in the House will well recall, including the member for Lake Nipigon, who is sitting there and followed provincial politics very carefully. He will recall that in the days of the Davis administration the Progressive Conservative government of the day put a cost-of-living escalator clause in the teachers' superannuation fund but—and here's the important but—he didn't fund it. It was on paper but nowhere else.

As the plan started to get into some trouble and the Liberal government spotted this trouble, it hired three different actuaries—count them, three different actuaries—to look at the plan. All of the actuaries said the problem with the plan was that in fact the previous government had not funded the cost-of-living escalator clause in the pension plan.

Mr Jim Wiseman (Durham West): Are these the great money managers?

Mr Bradley: The great money managers, as the member for Durham West speaks, did not fund it. It looked very good on paper. Everybody said: "Isn't this nice? Bill Davis and his money-managing colleagues have put in a cost-of-living escalator." But everybody knows that if you put in a cost-of-living escalator, then you have to make sure that you put in the money to fund it.

They got all the credit—and then here is the best part of it for new members of the Legislature—so when the bill came before the House or the issue came before the House, guess whose side the Conservatives were on at that time? The teachers' side. When the Liberal government had to raise both the contribution of the provincial government and of the teachers, it was horror of horrors, said the Progressive Conservative Party. "How can they do this? The fund is fine. We don't have to worry about it."

Today, they're talking about, "Well, the fund wasn't fine back then." If the fund wasn't fine back then, I don't know why members of the Progressive Conservative caucus didn't stand in this House and demand that the contributions go up even higher on the part of the government and the teachers. But they were on a different side, a different bent, in those days. They weren't cutting and slashing and burning and they weren't interested in user fees and things of that nature in those days.

I was provoked into this, because I usually try to be restrained in this House—

Hon Gilles Pouliot (Minister of Transportation and Minister Responsible for Francophone Affairs): And balanced.

Mr Bradley: And balanced. But when I hear the leader of the third party rewriting history, as he has so often—I heard him talk about AAA ratings. Remember when he was in the House the other day talking about AAA ratings? It was only 11 years that the Conservative government had an AAA rating. They lost the AAA rating in 1985 and the Liberal government had to recover that AAA rating. The member for Nipissing had the story just slightly different. But when you looked at the facts and figures, you saw that the member for Nipissing, of course, was wrong.

We have this bill today, here I am debating this bill, and I don't even have the briefing notes that my assistant is supposed to bring down to me now, if the assistant is watching on television.

Interjections.

The Deputy Speaker: Order. There is a period of questions and comments and I would encourage members to take advantage of it. In the meantime, please do not interject.

Mr Bradley: So we have an unfunded liability which is a Progressive Conservative unfunded liability. They wouldn't tackle it. They wouldn't put up the rates. They did not want to incur the wrath of the Ontario Teachers' Federation and their affiliates, and I don't blame them. That's a considerable wrath.

The government that took over, the Liberal government, had to face this reality, the reality of an unfunded liability, of the fact that the plan could go broke by about the year 2007. The easy thing to do is to ignore it and say: "Oh, well, we don't worry about that. We probably won't be around in 2007 anyway the way they change governments these days, so just let the plan coast along the way the Progressive Conservative Party let it just coast along."

But we didn't. We got three actuaries in, looked carefully at the plan, had great fights with the Ontario Teachers' Federation. Some of my best friends are members of the Ontario Teachers' Federation. I come from the teaching profession and I used to read all the things that would come in on the bulletin board about the teachers' superannuation fund, and they were convinced that it wasn't necessary to raise those particular contributions. But we had to do it to put the plan on a sound funding. As I say, I was very surprised that the Conservative Party—"conservative" means to conserve, supposedly to manage well, they say, and I find out that in fact that was not the case.

I'm a bit concerned. Having said that about the Conservatives and their faulty memory, I just want to share now some of the problems I have with my friends in the New Democratic Party on this issue. I'll tell you why. I recall them sitting on this side. The Treasurer and the Premier sat on this side of the House, the Education critic, and they would stand up in this House and say such things as, "Of course, this pension plan is fine." When we get into the other issue of what you do with surplus pension funds, we heard that Conrad Black was going to take the money for himself out of this; he was going to use the surplus funds. So there was a clause put in—was that our bill?

Interjection.

Mr Bradley: That was our bill. We put a clause in called the Conrad Black clause. I wanted to make sure, because I want to be accurate in this House. So the Conrad Black provision was put in. It said, "Big Conrad and Dominion stores can't take the money out of the pension plan. They're not allowed to take it out of the pension plan," because Conrad Black was bad, to the members of the opposition, in their view.

But today, lo and behold, this government has learned

from Conrad Black. I'm not surprised, because when the Ontario Federation of Labour convention was going on downtown, I didn't see Bob Rae there. I saw him making some fun of the labour people and their protests.

1630

What did I see on the front page of the Toronto Star? I thought it was Conrad Black, but it wasn't. It was Bob Rae, in tails, going to the new North York centre for the arts. He was going up there in his tails and tux, and the heck with those people down at the Ontario Federation of Labour meeting.

I'm going to get that photograph, because that epitomizes the metamorphosis—I learned that word once—of Bob Rae. He metamorphosized—Hansard has got that—from the person who used to stand at the labour convention railing on against Conrad Black to the person in black. He was the person in that black tuxedo and the nice frills and all this, the tie, going to the North York centre for the arts. There he was, \$100 a ticket or more.

Mr Arnott: It's \$700 a ticket.

Mr Bradley: I'm told it's \$700 a ticket. There was the Premier, while the labour people were fighting for their rights down at the Sheraton hotel.

Why do I bring this into this debate? I bring this into this debate because of the Conrad Black provision, and that is that the government today is doing exactly what it said Conrad Black shouldn't do: taking the money from the surplus and using it for other purposes.

The Conservatives, I would have thought, would have twigged into this years ago and would have said responsibly: "You know, we are getting all the credit for the escalator clause, for the cost of living that we put in the teachers' superannuation fund, so we should fund it. We should take the flak as well for funding it." They didn't do it. But now I find the NDP, which justifiably was, in its view, annoyed with Conrad Black, adopting the same tactics as Conrad Black.

Mr Mammoliti: Oh, please.

Mr Bradley: I know how much that hurts.

Mr Mammoliti: You should be kicked out for saying that.

Mr Bradley: The member for Yorkview and the member for Downsview, both of them must be just beside themselves being lumped in with Conrad Black.

Mr Perruzza: Where are you, sir?

Mr Bradley: I'll tell you where I'm not. I am not on this list; that's where I'm not. I'm not on the list of traitors. I'm not on the bottom list either, because there wasn't enough room on this. But I'm not on that list. Anyway, back to the bill.

Mr Mammoliti: Mr Speaker, are the words "Conrad Black" parliamentary?

Mr Bradley: Is this a question? I could sit down if it's a point of order. Is this a point of order? No?

There seems to be not as much information as we would like available. I'll tell you why this is. This is because Bob Rae has decided the House shall not sit as often. If this House sat more often, more days of the year, then we wouldn't have to cram things in at the very

end of the year and we'd have lots of time to deal with the information that might be available. So there we are.

I know there is a potential problem with this bill. Now, I hope there isn't. I hope in committee it's ironed out. I will show this to my friend the member for Bruce and he will be suitably amused. I know that this bill has a lot of problems with it. My friend the member for Scarborough-Agincourt spoke at some length. I did not want to be repetitious of what he said, but I'll tell you that what he said is fair warning to all of us here.

I think in pension plans and everything else we have to make sure there's sufficient money there. If you keep waiting and waiting, what happens is that the action you have to take becomes more drastic. That's what the previous government found out in 1988 or 1989 when the bill was brought in, that it just had to take drastic action, because for years and years the plan had been underfunded.

It was fine as long as there was not a cost-of-living escalator clause. But with the cost-of-living escalator more money had to be put in, by both the government and the teachers. I think the last figure I saw was something, and I could be corrected, like about \$1 billion a year that was going into the teachers' superannuation fund. All I recall is that it was more than the Ministry of the Environment's budget or other budgets. Today, of course, that would be most certainly the case because of the budgets having been cut in various of the ministries.

It's an interesting proposition. I always think it's wise to notify people, everybody in the plan, when there's a change to be made, when the government has the right to withdraw funds from the plan. I think that's why the Conrad Black provision was put in: so that you'd have to notify everybody involved in the plan. The government is going to bypass that. Any information they get will not be on an individual basis; it will have to filter down from somewhere else.

I could stand to be corrected if the member for Sault Ste Marie tells me that every teacher in Ontario will have a mailing explaining what is happening in this bill from the government of Ontario, which is in fact the employer in this case. Then I would say, "I guess everybody is going to be notified, so it's not such a big deal." But I suspect the information's going to have to be passed on another way, and not directly to those people. I think that's what so very important.

The member for Bruce has come back, again with the briefing notes from another bill. That's always very nice.

I think the best I can say this afternoon to you people is, listen to what Gerry Phillips, the member for Scarborough-Agincourt, had to say. I was watching on the monitor, while doing several other things in my office on behalf of my constituents, and I'll tell you I was very impressed with his remarks. He, in a succinct and well-informed way, pointed out the potential problems with this piece of legislation and made some suggestions on how it could be improved and how the government might act in another way in the future. I can see some real potential problems coming forward if we're not careful on this kind of legislation.

I know there may be other members of the House who are eager to rise and speak on this issue, so I want to yield the floor to my colleagues from other parties and my own party.

Mrs Cunningham: I don't think the member for St Catharines would expect me to sit here and not respond to some of his statements, especially with regard to my leader and his questions. I can only say that in 1975 I think he would personally have been—all teachers would have been—very happy to have the 1% contribution increase put there to in fact protect the benefits. That's what it did. It was an inflation protection for benefits, and in 1975 no one would have guessed that in the early 1980s that wouldn't have been enough money. He's quite right that the unfunded liability did grow.

But I have to say with regard to management that when we were in government, school boards that wanted to build new schools got a 60% capital grant. They didn't have to postpone and borrow money and debenture. We went to the government of the day, got permission, built and got the capital grant. Right now, school boards are going in debt to the tune of millions of dollars, billions of dollars, in capital construction, and that was a Liberal government policy.

I can also state that while we were in government school boards did not run debts, and we now, for the first time in the history of the province of Ontario, have school boards running debts. I can also tell you it's illegal, but in the last two or three years we now, for the first time to my knowledge, have debts for school boards.

The social contract application: Instead of cutting everybody by 5%, we now have larger classes and fewer resource teachers. All the gains that we made in the last few years to help children learn have been lost in the last few months, and that's what it's all about.

As far as management is concerned, during the Liberals' term in office the debt increased 28.3%, rising from \$32.9 billion in 1985-86 to \$42.3 billion in 1990-91. During booming economic times, they increased the debt from 1985 to 1990 by \$10 billion, and this government's debt is \$78.6 billion in 1993-94 estimates.

The Deputy Speaker: Thank you. Your time has expired.

Mrs Cunningham: Don't talk about management when it comes to the Conservative Party. We did a great job for Ontario.

Mr Martin: I just wanted to rise for a minute to take exception to the characterization of this piece of legislation and in fact to our leader and the reference to Mr Black and what he did.

Mr Murray J. Elston (Bruce): So it's Mr Black now? It isn't what you used to call him.

Mr Martin: Or Conrad Black. It's facetiously Mr Black for you, if you don't mind.

Mr Bradley: He's Bob's friend.

Mr Martin: Is that right? Okay.

Anyway, it's an unfair characterization in every sense of that word. In this piece, as I've said probably two or three times now this afternoon, this is an agreement

between us and the Ontario Teachers' Federation, which we believe speaks for its membership, and because of that we feel we have indeed found a deal here that is acceptable and will be in the best interests of the province as a whole as well.

1640

Mr Elston: It's interesting to listen to the various people perhaps pointing fingers around this room about the management or lack of management of this whole issue.

Let's be very, very clear. The reason we're here today is because a special arrangement has been arrived at, through whatever means possible, some of it heavy leverage by the government, to try and extract a social contract local agreement, sectoral agreement, from the teachers. The teachers obviously are not so concerned about what happens to the pension plan as long as they have a promise to repay any of the moneys which are, I would say, "borrowed" by the government to hit its targets.

It's very interesting to look at what is being done by this administration with the books to conceal where the real debt is and the size of the real debt. That, to be quite honest, is the reason the Liberal Party of Ontario has asked that this matter go out to committee, so that we can understand exactly, through our technical briefings, which will be held in the justice committee as per the motion that was tabled and passed just prior to entering this debate, and so that we'll all know exactly what is going to happen through this Teachers' Pension Act.

It's important for the people to understand that whatever the books are going to say in this province, there will be another set of figures which will have to be dealt with at some point in time. There is unequal treatment throughout the province as a result of the social contract. This teachers' fund just happens to be something that is available to the teachers and, to be quite honest, superintendents and directors of education to access to help cushion the blow of the social contract. I just want to point that out, because it's going to be very important for the committee to arrive at the real effect of this bill, and people should stay tuned for that.

I rise as well because I know Mr Bill Rayner, who's here with me today from Southhampton, would like to make sure that the public finances are well dealt with in this place.

The Deputy Speaker: Questions or comments.

Mr Arnott: Mr Speaker, do I have two minutes this time? You'll give me two minutes. Thank you.

I'm pleased to rise in response to the speech given by the member for St Catharines this afternoon. It was a thoughtful, amusing speech, as he generally puts forward in this House. He chastised the Davis caucus, the Davis government of some years ago for putting into effect a cost-of-living—

Mr Elston: They were all Tories.

Mr Arnott: Yes, that's right. I was in high school at the time, I'll tell the member for Bruce, so I don't really assume too much responsibility for what happened in 1985.

The reality is that if the government of the day increased pensions to a cost-of-living focus and didn't properly fund it, then indeed I think it deserves to be chastised. I don't understand entirely and I don't have the information about what the decision was based on at that time, but if indeed that was the decision taken and the contributions were actually, in effect, delayed, then there was a problem and it was a decision that probably shouldn't have been made.

But what we're seeing here today is the same thing. We're seeing a contribution holiday on the part of the government, the government being the employer contributor for the teachers' pensions, being deferred for 42 months.

We all know in this House that the NDP will not be in power in 42 months. One thing we don't know is what the economic situation will be in the province and whether or not the taxpayers will be able to make up this contribution which has been deferred for 42 months. Teachers have every reason to be concerned, every reason to be worried. The OTF, I suppose, as the parliamentary assistant has indicated, has signed on to this, but what do the individual teachers say?

The teachers I talked to are very concerned about the prospect of a 42-month deferment. Again we see a government going forward with a misrepresentation of the true financial situation of the province which the Provincial Auditor will not endorse.

The Deputy Speaker: The member for St Catharines, you have two minutes.

Mr Bradley: I almost wish the other parties were higher in the polls so that a couple of things wouldn't happen: first, the Progressive Conservative Party would start attacking the government instead of the Liberals all the time. I saw in Essex South that about 70% of the vote went Liberal, but I wish sometimes we wouldn't be so high because then we wouldn't be the target.

The other thing I'm concerned about is that the government is so low in the polls. I wish the government were higher in the polls, as a result of the comments I've heard, because what I see happening now, with the government as low as it is in the polls, is that it appears to be offloading as much debt as possible to whatever government comes in next.

If you look at the social contract provisions, for instance, they expire at the very time you'd have a new government in Ontario. There's going to be a lot of pent-up demand for rectification of what they felt was wrongdoing on the part of the government. I think people have to look at that very carefully and say, why 1996? Why is this all coming undone in 1996?

When I see them start to move the debt and other charges back to 1996, some members would be interested, in case they didn't know—for instance, if you buy a licence now, to get your licence renewed, it's five years ahead you pay. That means that for the next four years after that, there's not going to be any money coming in from that. All of this is done to make the government look good in its books so it won't have to go on bended knee to the Wall Street people and plead for something

other than a single A credit rating, which would put us in a very precarious position.

I hope the government abandons this. I hope they come up in the polls so we don't see any more of this loading into the future.

The Deputy Speaker: Any further debate? If not, the parliamentary assistant.

Interjections.

Mr Martin: Mr Speaker, I apologize. I entered into intelligent discussion with the members across the floor and got carried away.

This is a complicated issue, as some across the way have referred to, and we look forward to the opportunity to have the members of the justice committee learn more about it tomorrow and to enter into further debate and discussion about it with them. A detailed briefing will be provided by the ministry staff. This will answer the questions members have raised and will provide for them a schedule of the payments and some of the details around the kind of technical information that was asked for here this afternoon.

It has been stated by members of the opposition that the government is going to allow the unfunded liability to grow. I want to emphasize that this bill does not reduce the government's payments towards the unfunded liability in any way whatsoever.

Mr Elston: It defers.

Mr Martin: Defers, yes. This bill does not give the government a 42-month holiday, a holiday of any sort. On the other hand, I'd also like to emphasize that gains are not being taken out of the plan for the government's own use. The gains are being used to offset the payments on the unfunded liability so it stays within the loop.

The public can be assured that this bill will not increase the unfunded liability. The opposition has expressed concern that the government is trying to hide its legislative changes. In fact, the teachers' pension plan board has already notified all plan members and pensioners in writing of the memorandum of understanding and this proposed legislation. The Ontario Teachers' Federation has also informed all teachers in writing of the proposed changes.

That would be of some interest to the member for St Catharines, if he were paying attention. I was saying that the teachers have already been made aware of the fact that we have this agreement of understanding and—

Mr Bradley: Every individual teacher?

Mr Martin: Any one of them who reads their mail. We believe this legislation is in the best interests of taxpayers and of teachers in the province of Ontario.

1650

The Deputy Speaker: Mr Martin has moved second reading of Bill 121, An Act to amend the Teachers' Pension Act. Is it the pleasure of the House that the motion carry? Carried.

Shall it be ordered for third reading? Agreed?

Interjections: No.

The Deputy Speaker: Shall the bill go for third reading? Agreed? To which committee shall it go?

Mr Elston: It should go to committee of the whole.

The Deputy Speaker: Therefore, it shall be referred to the committee of the whole House.

HIGHWAY TRAFFIC AMENDMENT ACT
(NOVICE DRIVERS), 1993

LOI DE 1993 MODIFIANT LE CODE
DE LA ROUTE (CONDUCTEURS DÉBUTANTS)

Mr Pouliot moved second reading of the following bill:

Bill 122, An Act to amend the Highway Traffic Act /
Projet de loi 122, Loi modifiant le Code de la route.

Hon Gilles Pouliot (Minister of Transportation):

First and foremost, I wish to acknowledge the diligence and the presence this afternoon, taking time with conflicting and very busy agendas, of both critics of the opposition: Mr Daigeler, who is the critic of Her Majesty's loyal opposition, joined by Mr Turnbull, who is the critic for the third party, the Progressive Conservative Party.

The reason I wish to begin my remarks by paying tribute and mentioning the interest and the diligence of both critics of the opposition is by virtue of not only their contribution, for they were searching, they were consistent, they were positive, but also on account of the guidance that they have blessed or privileged, I should say, their respective caucuses with.

That leads us to an uncommon situation in this House where when it comes to the human dimension, when it comes to the public good, sometimes this House rises above common partisanship. You, sir, can attest perhaps better than anyone in this House to the passion, and at times some will even say the vengeance, the positioning that characterizes our system, a constitutional monarchy with little latitude for individual members. It encourages; it doesn't always bring the best out of people.

In this case, because we're talking about public safety, it is one of those rare occasions that we are in the process of achieving unanimity. We're referring to Bill 122. More specifically, it means a safety initiative. The intent, the compendium, the spirit of the proposed legislation is to make it a little more difficult but to make it more responsible for people entering the system. People getting their driver's licence in good standing will be more responsible.

Let us briefly examine the statistics. Let's go back, to illustrate, to 1988, 1989, 1990, let's say the last five years. At one time we've had close to 1,000, 1,400, Ontarians who in a period of 12 months lost their lives on Ontario highways and Ontario roads. In the year 1992, we have noticed that ours was a record of constant improvement, but yet a record that falls far short of our objective. Our record is simply this: It is to strive to enact legislation, to monitor compliance; simply put, to do everything that we can as a Parliament with this government to make Ontario's roads and highways the safest, not only in Canada but in the whole of North America.

It's quite a task indeed: 23,000 kilometres of roads and highways; 3,000 bridges; 6,500,000 people with a licence in good standing; seven million cars. Add to it nearly 500,000 others, ie, other motorized vehicles, transport, and you have grosso modo, in a nutshell, the picture of

what Ontario is vis-à-vis its transportation system, with a focus on roads and the users.

Each and every year, more than 250,000 new arrivals come and join the system. They come from many directions. The majority are young people, aged 16, 17, wishing to be like the others and to get a driver's permit. It's one of the very noteworthy happenings in their young lives. It is something that you recall vividly, no matter how old you are, the day you got your driver's licence. It is a happening.

Two hundred and fifty thousand, a quarter of a million new drivers, most of them 16, 17. Add to it, to complement, to make up the quarter of a million new drivers, the demographics—immigration. We have in Ottawa, with the contingencies, with the applicants and the refugees, about 250,000 also who come to pay Canada the compliment of their visit.

On a permanent basis they're Canadians in the making, and where do they choose to live? The majority of the 250,000 new Canadians, or Canadians who will soon have that official status—residence—come to Ontario, more than half. Some 65% or 70% of that, more than half choose to reside in urban centres. You will see them with that vibrant culture that they bring with them, those sounds and smells that make Toronto and surrounding municipalities the mosaic of the world.

You will see them, Mr Speaker, if you go to a driver's licence office. That's the reality of the world we live in. They want their little piece of heaven. They want to be like you, sir. They want to have access to the privilege to drive a car.

So here they come into the process. Young people, new Canadians, all new drivers, each and every one of them new drivers, unaccustomed to the laws of the land, if you wish, no experience behind the wheel, anxious to do driving big time, full-time in some cases, a new sport. I don't wish to impute motives, but when I look at the newspapers, when I read report after report, week after week, weekend after weekend, I can't help but to be saddened, to be chagrined, because statistics will tell us—and they're real people, those stats—that traffic fatalities are the leading cause of death if you're an Ontarian and if you're aged between 16 and 24. I'm not the one saying this; the OPP on the 401 at 12 o'clock at night in the left lane will attest to that better than anyone, those women and men in blue, those foot soldiers who have to extract, only too often, the body because someone, between the ages of 16 and 24 in some cases, was not experienced.

In some other cases, that lack of experience was compounded by consumption of alcohol and it was also encouraged by excessive speed. When you compound these elements, these components of fear, components that become fatalities, you say, "If I have a chance, if I can make a small contribution respecting the right of people to access the system"—but you have a moral obligation to ease the carnage.

1700

I don't wish to be melodramatic. My job here is not to catastrophize. Just the facts, just the facts: 1,100 lives last year, an improving record, a record which is heading in

the right direction. Ninety thousand people got hurt. When we say 1,100, those are people who went straight from the roads to the bag. They're dead, dead, dead. On top of it, 90,000 other people were injured—you've seen them; you've read about them; we all know of someone, maybe ourselves—at a cost of \$9 billion.

Laughter.

Hon Mr Pouliot: Some people may think it's a laughing matter. I don't need people like that. My colleagues don't need people like that. They share in the sorrow. We're doing something about it. We're doing something under several pieces of legislation. We've got a plan of attack here. We have an agenda.

We say that you have a responsibility effective in 1994. Next spring, in a few months, you will enter the system in two stages. In the first instance, what we're saying is that you come in, your vision is good, you're sound of mind and body, you pass the test, fork over, shell out a few dollars; you get a ticket, you're at the wheel, you're in the arena. Welcome to the show.

The show stops two years after you've entered the system. So it now takes you longer. You can't just come in and get out at the intermission; you've got to come back for the second half so that you will be more responsible, you will be more experienced. You will graduate like you do at school. You will go from one grade to the next; you will go from one level to the next. But if you take a graduated driver's licence seriously and if you take a course, if you enhance your skills, your knowledge, then you get a recompense, you get a reward, you win a prize, because you've earned your stripes. Then you save four months in the system. It won't take you two years; it will take you two years minus four months. If you fail to do so, it's going to take you a full two years.

I know that the pages, and they're right here, those young people, those honour students sharing with us the work in the assembly, I know they're listening intently, because if I were to ask them—and I know they can't respond now; they know decorum, they know the rules of the House and they have extremely good manners. But I know that they are looking forward to obtaining a driver's permit when they turn 16. It's a normal reaction. It's something that most Ontarians do and wish to do. And why not? It's a way of life and we appreciate it. You have that opportunity. It's not a right, it's a privilege, but it's a right to access the privilege.

No alcohol, sorry. Now that you're in the class of new drivers, we're saying you can't have a drink—zero tolerance. Don't even think about it. Don't even stop with one of the critics opposite and invite them for a drink. Whether they're your sons or daughters, it won't work. Mom and Dad—zero level. Not even half a beer, not even a 0.5 beer. That won't work. For two years you can't drink and drive.

Because you're a learner, you're new, you need coaching. The driver beside you—not your pal; maybe your pal—has to be the holder of a licence in good standing, a valid permit with at least four years' experience, a person who has arrived, a person who has learned, who knows the pitfalls and the shortcomings; simply put, someone who has put time behind the wheel,

four years' experience. It's going to make it safer.

If you've never heard of a curfew, we're not going to make it impossible; we're going to make it safer. We don't wish to punish people; we wish to reward people. After 12 o'clock midnight, there's no big time behind the wheel. You have a curfew between 12 and 5. You can't do it between 12 and 5. You can be in a car, but no, I'm sorry, between midnight and 5 o'clock, if you're an apprentice, if you're a neophyte, a novice, you're not allowed to learn. You have 19 hours in the day to do so, and we encourage you to use daytime.

It's another restriction that did not exist before. It is not a restriction that people can't live with. In fact, if one was to have a play on words, you could say it's a restriction that people can and will live with. Remember the 1,100 who no longer have a voice, who are not coming back; 85% of those were the result of driver error.

We just can't do it. We're not going to let them do it. The opposition, Mr Turnbull and Mr Daigeler, with commitment, with sincerity, with a good dosage of professionalism, have said: "Let's do it together. We're not going to score political points on this one. This goes a little step above. Let's do what we are elected to do. Let's do it together."

1710

Like soldiers at their post, after listening to parents, after looking at the statistics, being cognizant of what is being done elsewhere, doing their homework, leaving nothing to chance, looking at different programs, considering all the alternatives, going line by line, striking an equilibrium, a balance, not deterring anyone's human rights, the rights of the collective, the money in the pockets of people, the high insurance premiums, the coroners etc—they've tossed all that. The three of us, the parties, came up with a product that strikes a balance.

Some will say, on the one hand, that it doesn't go far enough. A minority, and it's a democracy, will invite us to share in their opinion that those measures are too draconian, that they're too tough, that they're unfair. But 90% of Ontarians are saying: "Do it. It's long overdue." We have a recognition factor beyond normalcy. We're seizing the opportunity to do something which is positive. It is a win-win-win situation for everyone.

We've had consultation galore, considerable consultation with all groups. To a group, people were unanimous, in terms of the overall, in terms of the intent and the spirit that something had to be done. Sure, there were differences as to process, what should and should not be done, but general acquiescence, unanimous acquiescence. Everyone said: "Yes, do something. We know it's going to take a little time because you've got to put the nuts and bolts in place, but do something."

I'm on my feet today to say, yes, we have. We're doing something, and it's coming to a neighbourhood near you. Well, it's coming all over Ontario and it's coming next spring and it's going to be good news. It's going to lessen the fatalities on our roads, the number of accidents, and it's going to put money into people's pockets. Less traumatic; one more workable, reasonable, measure that will come forward.

You know the way the system works around this honourable place. Sometimes it is agonizing and I too say: "Due process. Please don't take so long." It takes so long to get from point A to point B, the system of committee, people at the table—well, they too as citizens wish it would go quicker.

I see sometimes some of them roll their eyes and they have some difficulty. We had a unanimous report from the House here. We're trying to push it through so that there's a beginning, a middle and an end. We've consulted everyone. We want to get it done, and unanimity goes a long way to achieving that goal.

But in order to do that, we had to come up with a practical model, something that works, something that can be checked, something that can be enforced, something that can be monitored; otherwise, it wouldn't work. If we had made it too complex, people would not abide by it. They would see something illicit in it, something cumbersome. So we kept it simple, straightforward and workable. That's the key to these proposals. They are simple, they aren't too numerous, but they work. We've used that model to encourage one another as we push, literally push, things through the system.

I see in terms of the time allocation that I have, as the porte-parole, another hour. It's easy to go on and on. Words come easy when you're talking about the sincerity that Bill 122 deserves. I could read statistics, recite names. I will not do that, although it would be food for thought for each and every one of us. We can all, each of the 130 members here, go into graphic details; not tell tales but relate stories that have cost dear ones their lives; near misses; people being robbed of their future. I'm already so tempted to do that, but I will let others tell their stories, tell of their contribution.

They're backing this because it makes sense. It makes sense for all of us. It puts everything into perspective. It's one of those rare times in this House where politics matter little. They matter not. The essence of life, Bill 122, simply put.

Peut-être, en guise de conclusion, vous allez me permettre en bref de dire quelques mots en français pour informer les Ontariens et les Ontariennes, les motoristes. Comme je le citais il y a quelques moments, ce sont 6 500 000 Ontariens et Ontariennes qui ont un permis de conduire sous les auspices de la province de l'Ontario.

Vous savez que chez nous, nous avons, durant la seule année de 1992, 1100 personnes qui ont perdu la vie sur nos routes. Dans 85 % de ces cas, c'était dû à une erreur de celui ou de celle qui était au volant. Dans la plupart des cas, c'était aussi à cause du manque d'expérience.

Le projet de loi 122 permet aux novices, aux gens qui veulent accéder au système, une ligne de conduite un peu plus rigide. Elle leur donne de nouvelles obligations. On leur dit simplement que ça va leur prendre un peu plus de temps, que la consommation d'alcool sera entièrement éliminée et aussi qu'il va falloir être accompagné d'une personne avec un minimum de quatre années d'expérience au volant, et ça jusqu'à ce qu'elle ou lui puisse, au fil des jours, au fil des mois, devenir comme la plupart des 6,5 millions d'Ontariens et Ontariennes.

We have taken some time at Transportation, and I wish to thank the people in the Ministry of Transportation. It's not often that people voice their sincere appreciation for those who do, quite often, obscure work. They were part of our team: the committee, the opposition, the people at Transportation. They did the drafting, the counterdrafting. Patience was virtuous. They stuck with it.

Today, also on their behalf, I stand here, and I'm proud to do so, to support and to sponsor with my friends Bill 122, which will take our province closer to that goal of offering all motorists in this large jurisdiction the safest roads in North America.

1720

The Acting Speaker (Ms Margaret H. Harrington):

Thank you to the Minister of Transportation, and now we have two minutes for anyone who has questions or comments to the minister. Seeing none, are there any further speakers who wish to address the assembly?

M. Hans Daigeler (Nepean) : Peut-être d'abord je voudrais dire quelque chose à Monsieur le Ministre : c'est peut-être assez difficile de faire des commentaires et peut-être aussi des nuances sur son projet de loi parce qu'il était si complimenteur envers les critiques des deux partis de l'opposition. J'accepte volontiers les mots du Ministre envers nous deux et nous autres, mais il faut quand même souligner que l'unanimité était surtout sur les objectifs du Ministre et sur les objectifs de la sûreté dans nos rues et dans nos méthodes de transport. Dans tous les détails du Ministre, il y avait quand même certains commentaires et certaines objections à certaines initiatives du projet comme tel.

Il y avait, c'est bien correct, notre appui de l'initiative, de l'objet final, et je crois que tout le monde dans ce parlement est d'accord que l'objectif de prévenir les accidents et surtout les accidents fatals, c'est un objectif que tout le monde tient vraiment à cœur et qui certainement me tient personnellement à cœur.

I would like to say that while the minister praised us on the opposition side for supporting the safety objective, I also want to say that it was not unanimous in all respects. We did put forward some amendments and some concerns. In fact, I will be moving some amendments later on this week to this bill, because I think there can be certain adjustments made. Certainly, different views are still being expressed about details of this project.

What is, however, supported and strongly supported is obviously the objective of saving lives, of preventing accidents and making sure the many tragedies that are unfortunately still happening on our roads—that we do our very best across party lines to make sure that we prevent what we can prevent.

Even after this initiative will be passed, there will be accidents, unfortunately, and there will be errors made by young people and by older people, but I think we have an obligation as legislators—the government has an obligation, and it is recognizing that obligation—to try to prevent those accidents, to try to minimize the errors as much as possible.

I think this bill and this initiative of the graduated licences falls within this category and falls within this

framework of trying to protect lives, trying to decrease accidents, and I think this is an objective that no one can disagree with.

Frankly, I am on the public record of having called for something like this graduated licensing scheme. At the time, I was going even further. I have in front of me a London Free Press article from November 10, 1989, and it reads as follows:

"The province is considering a new system of licensing new drivers that would restrict when and where they may drive until they gain experience, Transportation minister William Wrye said Thursday.

"We are examining very closely the system of graduated licensing now in place in California and Maryland," Wrye said in an answer to a question in the Legislature from a Liberal backbencher.

Guess who the backbencher was: "Hans Daigeler, MPP for Nepean,"—and now comes, I think, the important point, why I was calling at the time for this initiative and why I continue to call for this initiative—"said recent findings by a Queen's University research department indicate young people between 16 and 24 years old account for 31% of traffic fatalities, yet they represent only 17% of Canada's population.

"Traffic accidents remain the single most common cause of death among this age group."

This is an article that appeared, as I say, in November 1989. We're now almost into 1994 and I would say we finally see now a bill before the House that tries to address this concern. It does take a while to let an idea mature and develop, but as you can see, already the Liberal government was seriously considering a similar initiative. We have now had another four years where we've had serious accidents but also where the ministry officials have had time to review the project, to consult further, to study the matter and to come forward with a project.

Why was I in support of this initiative then and why am I still in support of the principle itself? Because frankly, despite the many flowery words that the minister uses so well, and I do think that his flair and his rhetoric are unsurpassed in this Legislature, and I think he can be congratulated, I think that on this matter what we need are figures and statistics, even though what's behind the statistics and what's behind the figures unfortunately is a lot more than just plain figures and just plain math, because what's behind them are lives and real people who have been affected by these incidents.

I think what will convince people out there and what we have been putting forward, what I put forward four years ago, what the third party is putting forward is the information that was provided to us by the ministry officials and the statistics that show a very clear and very obvious relationship between the lack of driving experience and accident rates. I think that's the argument which in my opinion carries the day.

I think for us Liberals there is an important consideration here. We do not like the government to come in right away with all kinds of laws and a Big Brother attitude and, "We know best." We, as Liberals, try to promote individual responsibility and individual freedom

inasmuch as possible, but at the same time, we take the middle-of-the-road approach. We say yes, there are instances where individual freedom and individual liberty has to be balanced by the rights of others, has to be balanced by our own inability to sometimes cope with that freedom and by our own need to learn how to manage that freedom and that responsibility.

So even for us Liberals I think there is a moment where we do try and have to sit down and think, is this restriction on our freedoms and our responsibilities warranted by what's at stake? I would argue, on the basis of the figures and on the basis of the reports we've received, and I would also say on the basis even of personal experiences, I think this particular project is one where we can say yes, that the restrictions are warranted, the restrictions especially on the younger people, but it isn't just restrictions on the younger people; it is restrictions on new drivers.

1730

Again, I think this is an important point to be made, that we're not out here, as it were, just to punish or go after the young people, and the 16-year-olds in particular. I have nothing against 16-year-olds. I have a 16-year-old daughter, I have a son who's 18 and I have another daughter; she's 13. They're all very much involved in this question of driving and of learning how to drive and how to avoid accidents. But what I'm trying to convey to my own children and what I think we all have an obligation to convey is that there is this relationship between lack of experience and accident rate.

Here's what the ministry gave us in terms of documents. Frankly, I think this was a very good one that was presented to us, and if anyone is interested and would like to have this information, if they contact me, I would certainly gladly make this available. Here's what it says:

"New drivers, regardless of age"—so this relationship of higher accident rates and lack of experience relates not just to young people, but also to newer drivers, even if they're already older. If they are taking their driving lessons and their driving courses later on in life, even they show up much, much more in the accident statistics. "New drivers, regardless of age, have a higher collision rate than the provincial average. This is because driving is a complex activity involving knowledge, attitudes, skills, judgement, and risk perception in an environment that is continually changing."

On this page here—you won't be able to see this, Madam Speaker—there's a graph. "Figure 5 reproduces a graph from the 1990 New to the Road." It's a Traffic Injury Foundation of Canada 1990 publication.

By the way, as an in-between—I'm just stopping here a little bit before I go on with the quote—the Traffic Injury Foundation I think is something that we in Canada should be really proud of. It's an institution located in Ottawa that has been doing inquiries into the causes of accidents for many, many years. I think they are world-renowned on the work they have been doing on behalf of traffic safety. I think we should be proud as Canadians that we have that institute in our nation's capital and that it continues to do such good work. In fact, they appeared before the committee as well.

To continue with the quote, however:

"This figure shows collision rates for males who were licensed at different ages and which indicates that the collision rates declined with increasing experience regardless of the age of licensing. This figure also indicates that age is also a contributing factor to collision involvement. In other words, collision involvement decreases as driving experience increases regardless of the age of the new driver. However, the collision involvement rate is lower for older new drivers than for younger new drivers."

So in fact the accident rate for younger new drivers is higher.

"Driving experts agree that there is a minimum two-year learning curve to develop the basic skills of driving and that it takes at least five years to develop the specialized judgement skills which allow drivers to reduce their risk of collision in a complex traffic environment."

They do add here, "Older new drivers may master these specialized skills more quickly than younger new drivers." So while there is a definite relationship between lack of experience and higher accident rates, that relationship is a little bit weaker for the older new driver.

What is the reason for that? Frankly, that brings us to a point in all of this that I think is extremely important. It's that point about younger people being more willing to take risks. At least, that's from our own I think normal experience, and that's what we were told at the committee hearings, that obviously young people are willing to take risks. I guess they haven't got the experience of life where some of the risk-taking can lead to very serious and unfortunate consequences and the older driver is no longer willing to take quite the risks that the young driver is willing to take.

But I think all of this should not hide the fact that it is very clear, from the statistics and from the facts, that experience and decreased accidents go together, both for the younger people and for the older people. This, in my opinion, is the main reason why I'm here to support this initiative.

I think there certainly can be, and there is, disagreement on some specific initiatives, details of the government's proposal, but I think overall, when it comes to the final question, "Am I in favour or am I against a graduated system, a more increased effort and emphasis on gaining experience?" I'm in favour of that.

Over the summer, and the minister referred to it, we had hearings. This was a rather unique experience because what we had hearings on wasn't really a bill. Frankly, I'm not quite sure whether this is the ideal way to do it. The committee was appreciative of the fact that the minister was putting out some ideas and was testing them, but in reality it was, for all practical purposes, a bill that he was putting forward. Because now we are no longer going out for hearings; we now have a project very quickly, in the last week of the House, before Parliament and we don't have that much time to give my colleagues an opportunity to comment. The hearings we had in the summer—and we had them here in Toronto and then we went to Ottawa and went to St Catharines—

for all practical purposes were hearings on the draft legislation.

I would say 95% of the people there said frankly that they want it to go even further. They want it to have tougher restrictions on younger drivers. They came in with precisely the same argument that I just put forward from the Traffic Injury Foundation of Canada, saying that because it takes between two and five years of driving experience, let's go to the five years rather than the two years. Certainly, at the committee level and the government as well, I don't think we want it to go to the toughest end of the proposals. In particular, and I think some of my colleagues will be speaking to that, people from the rural areas, people from the north were concerned.

We had several people who came from the rural areas, and my colleague the member for Renfrew North very often put forward the question to the witnesses, "How do you see the impact of this bill and of this new rule on people in rural areas who don't have the public transportation system that may be available in some of the bigger cities and where in fact the car is the only way to get around and where it is very difficult to get to the neighbour who is way down the road who might be able to perhaps drive the young child?" This was a concern that was put forward at the committee level and that was listened to very carefully by members of the committee.

In fact, in order to respect that point of view, I will be putting forward an amendment by my party to reduce the requirement of experience for the accompanying driver from four years to essentially two years, to make it a little more easy for the people in the rural areas to get to each other and to get to the various events at their high schools. We had people speak very forcefully that this may impact very negatively on some of the after-school activities for rural students. I think that's a concern we want to be sensitive to while maintaining and protecting the basic principle of the bill, that principle being, let's have some gradual experience for the driver himself or herself.

1740

Minister, I think you did well in congratulating your staff. They were very, very prudent; they were excellent in the information they provided in the committee hearings. However, I should say that we did miss you. We would have appreciated it if at least you had come once or twice to the committee, heard what the committee had to say and put forward your views. Even though you were ably represented by your parliamentary assistant, nevertheless, you're the minister, and you have the ultimate responsibility for this particular bill.

At the committee, one of the concerns that was raised, and I think something the minister and the government will have to continue to work on, was the quality of our driving teaching and the way we supervise and control the driving schools in this province.

There were quite a few people, including representatives of the driving schools, who had some questions about their own industry. Fortunately, they indicated that they're working very hard themselves in regulating their industry more and making sure that the quality of our

driving educators and of our driving courses is going to continually improve. I certainly hope it will. This question was raised: What kind of requirement do you have to have in order to pass as a licensed driving educator?

I think there is an ongoing role for the ministry and the Minister of Transportation to make sure that in fact the standards for our driving schools are high ones and are good ones. What's the sense if we pay for the driving education and it's not up to the level it really should be? That certainly is a concern that is still out there, and I certainly hope the minister will be working on this.

It is a relatively complicated system. The minister already referred to these two levels, and some people are still quite confused. Some people feel the whole method and the whole system is going to be much tougher than it actually is.

Essentially, we are raising the driving age by, I would say, one year, to sum it all up, because you have to have at least eight months of experience with someone else and there are certain restrictions on you for at least eight months; it's 12 months if you don't take the driving course. For at least eight months after you're 16, you have to have another driver and you have to have zero alcohol, and we certainly agree with that. You can't drive after midnight, and you cannot drive on the 400 series.

But after those eight months, if you took the driving lessons, you are basically free of all these restrictions except one, and again we agree with that: zero blood alcohol. So for that second year of your driving experience, there are basically no restrictions, the only one being that after those two years you have to take another test.

That's the point I was trying to make, that the minister will have a number of rather complicated bureaucratic initiatives to take and he probably will have to hire new staff. I asked that at the committee hearing. Already it's very difficult to apply for a driver's licence and to get the driver's licence in time. I understand that much of that has to do with people who are trying to take their driver's licence now and avoid the new system that's coming in in the spring, but it has always been quite complicated to book a driving test.

So most likely the minister will have to hire new staff, because what's required is first the entrance test, which is basically a vision test. Then there's a test after that first year or after the eight months of experience, and that's a road test and you have to have somebody from the ministry who will be in the car with you. Then there's that final advanced road test at the end of the two years.

Frankly, I'm still not clear, and that's one of the things that is still very much open, what that advanced road test is going to be at the end of the two years. We were assured at the committee that the ministry officials are working with the experts in the field and they're working to put that advanced driving test together. Frankly, I would have liked to see that in black and white to get some idea about what the minister and what the officials actually have in mind. I certainly hope that over the next two months the ministry is going to get its act together and we'll know exactly what that advanced driving test is that's going to happen after the two years.

Again it will require more knowledgeable and probably a greater number of driving testers and of driving examiners. That will come at a cost. I asked the officials and they said: "Yes, that's true. You're right there. But"—here comes the hook—"we intend to recoup that cost through higher fees." Now, the minister did not really put this out in his press release and he was rather shy in mentioning this, but that of course is going to be the other side of the coin. There are going to be much higher fees for your driver tests and your driver examinations because the minister is planning to recoup all these extra costs through the higher fees. I think the public should be aware of that as well.

Nevertheless, I want to say—and I do not want to speak too long, because I know that several of my colleagues wish to be on the record as well on this important matter—that the minister is right: This is a topic that is most serious. It is something that we do not want to be partisan about, because we are dealing with lives. We're dealing with tragedies. In fact, the very day that we were holding hearings in Ottawa in September, there was an article in the *Citizen* where, unfortunately, in an accident involving two young people just south of my riding, one was killed and the other was seriously injured. The driver was a young teenager, a 16-year-old who had just gotten his licence two weeks before that terrible accident happened.

If we can avoid these kinds of most unfortunate occurrences through some limitations on our freedoms, I think I am ready to support that. This project we have in front of us tries to strike a balance between giving the younger people the experience to drive and the ability to drive. We all know how important the automobile is in our environment, especially giving people in rural areas and in northern Ontario the opportunity to go around. I, as a father with three children, being absent so often from my own home, know how difficult it is and continues to be for my own wife to take the children around if they cannot drive their own car. It is quite a burden, so we do not want to be overly restrictive on our new drivers.

That's why I support this particular initiative being put forward, because I do think it is trying to reach a balance. In fact, as I said, at the committee level many of the people who came before us wanted us to be even tougher, wanted us to bring in even tougher restrictions.

In fact, at the committee level we did make one change that will make it a little tougher for the new drivers out there. The change we made at the committee, that we proposed to the minister and I understand he accepted, was that there can only be the accompanying driver in the front seat. Before, it would have been possible to have others. I have a car where you can seat three people in the front. This will no longer be possible for the level 1 driver. There can be only the driver and one accompanying driver. That is a restriction we put in at the committee level, in that sense making it a little bit tougher.

But other than that, we left it the way it was because we felt there had to be a reasonable balance between learning how to drive and the ability to get around. We felt that at age 16 you are ready to take that experience, because in other situations in life you can begin to take

part in the political process. That's why we felt we did not want to put unnecessary restrictions on the younger person.

At the same time, we wanted to say: "You are not quite ready. You need a little bit more experience. Let us help you, with the accompanying driver, with some of the regulations that are being put forth, for example, not being able to drive after midnight. That will help you in the longer term, that will help your family and help you avoid some of the terrible situations we heard of at the committee as well." There were several parents and relatives of people who had been involved in fatal accidents who came to us. Obviously, their story was one that was very difficult to hear, but we heard it and that's why I think we are ready in principle to support this initiative.

As I said, we have some amendments that we want to put forward, but I look forward to continued debate. I know that all of us will want to treat this project and this issue with seriousness and with the sensitivity that I think the minister has put forward, and also with the willingness and the encouragement to the people out there to make sure that the objective we're after is going to be followed, and that it's not just a rule but really what we're after here is safety and the prevention of fatal accidents and of any kind of accidents. For that we need the cooperation of everybody, of the drivers, of the parents, of the driver educators and of us politicians as well. In that regard, I'm pleased to offer that cooperation. Thank you very much.

Report continues in volume B.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker/Président: Hon/L'hon David Warner

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Akande, Zanana	St Andrew-St Patrick	ND	parliamentary assistant to the Premier / adjointe parlementaire du premier ministre
Allen, Hon/L'hon Richard	Hamilton West/-Ouest	ND	Minister without Portfolio, Ministry of Economic Development and Trade / ministre sans portefeuille, ministère du Développement économique et du Commerce
Arnott, Ted	Wellington	PC	Vice-Chair, standing committee on estimates / Vice-Président du Comité permanent des budgets des dépenses
Beer, Charles	York North/-Nord	L	Chair, standing committee on social development / Président du Comité permanent des affaires sociales
Bisson, Gilles	Cochrane South/-Sud	ND	parliamentary assistant to Minister of Northern Development and Mines, parliamentary assistant to minister responsible for francophone affairs / adjoint parlementaire de la ministre du Développement du Nord et des Mines, adjoint parlementaire du ministre délégué aux Affaires francophones
Boyd, Hon/L'hon Marion	London Centre/-Centre	ND	Attorney General, minister responsible for women's issues / procureure générale, ministre déléguée à la Condition féminine
Bradley, James J.	St Catharines	L	opposition deputy House leader / chef parlementaire adjoint de l'opposition
Brown, Michael A.	Algoma-Manitoulin	L	Chair, standing committee on general government / Président du Comité permanent des affaires gouvernementales
Buchanan, Hon/L'hon Elmer	Hastings-Peterborough	ND	Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Callahan, Robert V.	Brampton South/-Sud	L	
Caplan, Elinor	Oriole	L	
Carr, Gary	Oakville South/-Sud	PC	Progressive Conservative deputy House leader / chef parlementaire adjoint du Parti progressiste-conservateur
Carter, Jenny	Peterborough	ND	parliamentary assistant to Minister of Citizenship / adjointe parlementaire de la ministre des Affaires civiques
Charlton, Hon/L'hon Brian	Hamilton Mountain	ND	Chair of the Management Board of Cabinet, government House leader and minister responsible for the automobile insurance review / président du Conseil de gestion, leader parlementaire du gouvernement et délégué à l'Assurance-automobile
Chiarelli, Robert	Ottawa West/-Ouest	L	
Christopherson, Hon/L'hon David	Hamilton Centre/-Centre	ND	Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Churley, Hon/L'hon Marilyn	Riverdale	ND	Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Cleary, John C.	Cornwall	L	
Conway, Sean G.	Renfrew North/-Nord	L	Deputy Leader of the Opposition / chef adjoint de l'opposition
Cooke, Hon/L'hon David	Windsor-Riverside	ND	Minister of Education and Training, minister responsible for the Ontario Training and Adjustment Board / ministre de l'Éducation et de la Formation, ministre responsable du Conseil ontarien de formation et d'adaptation de la main-d'oeuvre

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Cooper, Mike	Kitchener-Wilmot	ND	parliamentary assistant to Minister of Labour; assistant government whip; Vice-Chair, standing committee on resources development / adjoint parlementaire du ministre du Travail, whip suppléant du gouvernement, Vice-Président du Comité permanent du développement des ressources
Coppen, Hon/L'hon Shirley	Niagara South/-Sud	ND	Minister without Portfolio, Ministry of Culture, Tourism and Recreation / ministre sans portefeuille, ministère de la Culture, du Tourisme et des Loisirs
Cordiano, Joseph	Lawrence	L	Chair, standing committee on public accounts / Président du Comité permanent des comptes publics
Cousens, W. Donald	Markham	PC	
Cunningham, Dianne	London North/-Nord	PC	
Curling, Alvin	Scarborough North/-Nord	L	opposition deputy whip / whip adjoint de l'opposition
Dadamo, George	Windsor-Sandwich	ND	parliamentary assistant to Minister of Transportation / adjoint parlementaire du ministre des Transports
Daigeler, Hans	Nepean	L	Vice-Chair, standing committee on general government / Vice-Président du Comité permanent des affaires gouvernementales
Duignan, Noel	Halton North/-Nord	ND	parliamentary assistant to Minister of Consumer and Commercial Relations / adjoint parlementaire de la ministre de la Consommation et du Commerce
Eddy, Ron	Brant-Haldimand	L	Vice-Chair, standing committee on social development / Vice-Président du Comité permanent des affaires sociales
Elston, Murray J.	Bruce	L	opposition House leader / chef parlementaire de l'opposition
Eves, Ernie	Parry Sound	PC	Progressive Conservative House leader / chef parlementaire du Parti progressiste-conservateur
Farnan, Hon/L'hon Mike	Cambridge	ND	Minister without Portfolio, Ministry of Education and Training / ministre sans portefeuille, ministère de l'Éducation et de la Formation
Fawcett, Joan M.	Northumberland	L	
Ferguson, Will	Kitchener	Ind	
Fletcher, Derek	Guelph	ND	parliamentary assistant to Minister of Citizenship / adjoint parlementaire de la ministre des Affaires civiques
Frankford, Robert	Scarborough East/-Est	ND	
Gigantes, Hon/L'hon Evelyn	Ottawa Centre/-Centre	ND	Minister of Housing / ministre du Logement
Grandmaître, Bernard C.	Ottawa East/-Est	L	
Grier, Hon/L'hon Ruth A.	Etobicoke-Lakeshore	ND	Minister of Health / ministre de la Santé
Haeck, Christel	St Catharines-Brock	ND	government whip; Chair, standing committee on regulations and private bills / whip du gouvernement, Présidente du Comité permanent des règlements et des projets de loi privés
Hampton, Hon/L'hon Howard	Rainy River	ND	Minister of Natural Resources / ministre des Richesses naturelles
Hansen, Ron	Lincoln	ND	Chair, standing committee on the Legislative Assembly / Président du Comité permanent de l'Assemblée législative
Harnick, Charles	Willowdale	PC	
Harrington, Margaret H.	Niagara Falls	ND	First Deputy Chair of the Committee of the Whole House; Vice-Chair, standing committee on administration of justice / Premier Vice-Présidente du Comité plénier de l'Assemblée législative, Vice-Présidente du Comité permanent de l'administration de la justice
Harris, Michael	Nipissing	PC	leader of the Progressive Conservative Party / chef du Parti progressiste-conservateur
Haslam, Karen	Perth	ND	
Hayes, Pat	Essex-Kent	ND	parliamentary assistant to Minister of Municipal Affairs / adjoint parlementaire du ministre des Affaires municipales

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Henderson, D. James	Etobicoke-Humber	L	
Hope, Randy R.	Chatham-Kent	ND	parliamentary assistant to Minister of Community and Social Services / adjoint parlementaire du ministre des Services sociaux et communautaires
Huget, Bob	Sarnia	ND	parliamentary assistant to Minister of Environment and Energy; Chair, standing committee on resources development / adjoint parlementaire du ministre de l'Environnement et de l'Énergie. Président du Comité permanent du développement des ressources
Jackson, Cameron	Burlington South/-Sud	PC	Chair, standing committee on estimates / Président du Comité permanent des budgets des dépenses
Jamison, Norm	Norfolk	ND	parliamentary assistant to Minister of Economic Development and Trade / adjoint parlementaire de la ministre du Développement économique et du Commerce
Johnson, David	Don Mills	PC	
Johnson, Paul R.	Prince Edward-Lennox-South Hastings / Prince Edward-Lennox-Hastings-Sud	ND	parliamentary assistant to Minister of Economic Development and Trade; Chair, standing committee on finance and economic affairs / adjoint parlementaire de la ministre du Développement économique et du Commerce. Président du Comité permanent des finances et des affaires économiques
Jordan, W. Leo	Lanark-Renfrew	PC	
Klopp, Paul	Huron	ND	parliamentary assistant to Minister of Agriculture and Food / adjoint parlementaire du ministre de l'Agriculture et de l'Alimentation
Kormos, Peter	Welland-Thorold	ND	
Kwinter, Monte	Wilson Heights	L	
Lankin, Hon/L'hon Frances	Beaches-Woodbine	ND	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Laughren, Hon/L'hon Floyd	Nickel Belt	ND	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Lessard, Wayne	Windsor-Walkerville	ND	parliamentary assistant to Minister of Environment and Energy / adjoint parlementaire du ministre de l'Environnement et de l'Énergie
Mackenzie, Hon/L'hon Bob	Hamilton East/-Est	ND	Minister of Labour / ministre du Travail
MacKinnon, Ellen	Lambton	ND	Vice-Chair, standing committee on regulations and private bills / Vice-Présidente du Comité permanent des règlements et des projets de loi privés
Mahoney, Steven W.	Mississauga West/-Ouest	L	opposition chief whip / whip en chef de l'opposition
Malkowski, Gary	York East/-Est	ND	parliamentary assistant to Minister of Education and Training / adjoint parlementaire du ministre de l'Éducation et de la Formation
Mammoliti, George	Yorkview	ND	parliamentary assistant to Solicitor General and Minister of Correctional Services / adjoint parlementaire du solliciteur général et ministre des Services correctionnels
Marchese, Rosario	Fort York	ND	parliamentary assistant to the Premier; parliamentary assistant to Minister of Intergovernmental Affairs; Chair, standing committee on administration of justice / adjoint parlementaire du premier ministre, adjoint parlementaire du ministre des Affaires intergouvernementales, Président du Comité permanent de l'administration de la justice
Marland, Margaret	Mississauga South/-Sud	PC	Chair, standing committee on government agencies / Présidente du Comité permanent des organismes gouvernementaux
Martel, Hon/L'hon Shelley	Sudbury East/-Est	ND	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Martin, Tony	Sault Ste Marie / Sault-Sainte-Marie	ND	parliamentary assistant to Minister of Education and Training / adjoint parlementaire du ministre de l'Éducation et de la Formation

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Mathysen, Irene	Middlesex	ND	parliamentary assistant to Minister of Environment and Energy / adjointe parlementaire du ministre de l'Environnement et de l'Énergie
McClelland, Carman	Brampton North/-Nord	L	
McGuinty, Dalton J.P.	Ottawa South/-Sud	L	
McLean, Allan K.	Simcoe East/-Est	PC	Vice-Chair, standing committee on government agencies / Vice-Président du Comité permanent des organismes gouvernementaux
McLeod, Lyn	Fort William	L	Leader of the Opposition / chef de l'opposition
Miclash, Frank	Kenora	L	opposition deputy whip / whip adjoint de l'opposition
Mills, Gord	Durham East/-Est	ND	parliamentary assistant to Solicitor General and Minister of Correctional Services / adjoint parlementaire du solliciteur général et ministre des Services correctionnels
Morin, Gilles E.	Carleton East/-Est	L	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Morrow, Mark	Wentworth East/-Est	ND	
Murdoch, Bill	Grey-Owen Sound	PC	
Murdock, Sharon	Sudbury	ND	parliamentary assistant to Minister of Labour / adjointe parlementaire du ministre du Travail
Murphy, Tim	St George-St David	L	
North, Peter	Elgin	Ind	
O'Connor, Larry	Durham-York	ND	parliamentary assistant to Minister of Health / adjoint parlementaire de la ministre de la Santé
O'Neil, Hugh P.	Quinte	L	
O'Neill, Yvonne	Ottawa-Rideau	L	
Offer, Steven	Mississauga North/-Nord	L	
Owens, Stephen	Scarborough Centre/-Centre	ND	parliamentary assistant to Minister of Finance / adjoint parlementaire du ministre des Finances
Perruzza, Anthony	Downsview	ND	parliamentary assistant to Chair of the Management Board of Cabinet / adjoint parlementaire du président du Conseil de gestion
Philip, Hon/L'hon Ed	Etobicoke-Rexdale	ND	Minister of Municipal Affairs, minister responsible for the office for the greater Toronto area / ministre des Affaires municipales, ministre responsable du Bureau de la région du grand Toronto
Phillips, Gerry	Scarborough-Agincourt	L	
Pilkey, Hon/L'hon Allan	Oshawa	ND	Minister without Portfolio, Ministry of Municipal Affairs / ministre sans portefeuille, ministère des Affaires municipales
Poirier, Jean	Prescott and Russell / Prescott et Russell	L	
Poole, Dianne	Eglinton	L	Vice-Chair, standing committee on public accounts / Vice-Présidente du Comité permanent des comptes publics
Pouliot, Hon/L'hon Gilles	Lake Nipigon / Lac-Nipigon	ND	Minister of Transportation, minister responsible for francophone affairs / ministre des Transports, ministre délégué aux Affaires francophones
Rae, Hon/L'hon Bob	York South/-Sud	ND	Premier, President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre, président du Conseil exécutif, ministre des Affaires gouvernementales
Ramsay, David	Timiskaming	L	
Rizzo, Tony	Oakwood	ND	government whip; Chair, standing committee on the Ombudsman / whip du gouvernement, Président du Comité permanent de l'ombudsman
Runciman, Robert W.	Leeds-Grenville	PC	Progressive Conservative chief whip / whip en chef du Parti progressiste-conservateur
Ruprecht, Tony	Parkdale	L	
Silipo, Hon/L'hon Tony	Dovercourt	ND	Minister of Community and Social Services / ministre des Services sociaux et communautaires
Sola, John	Mississauga East/-Est	Ind	

Member/Député(e)	Constituency/Circonscription	Party/Parti	Other responsibilities/Autres responsabilités
Sorbara, Gregory S.	York Centre/-Centre	L	
Sterling, Norman W.	Carleton	PC	
Stockwell, Chris	Etobicoke West/-Ouest	PC	
Sullivan, Barbara	Halton Centre/-Centre	L	
Sutherland, Kimble	Oxford	ND	parliamentary assistant to Minister of Finance / adjoint parlementaire du ministre des Finances
Swarbrick, Hon/L'hon Anne	Scarborough West/-Ouest	ND	Minister of Culture, Tourism and Recreation / ministre de la Culture, du Tourisme et des Loisirs
Tilson, David	Dufferin-Peel	PC	
Turnbull, David	York Mills	PC	Progressive Conservative deputy whip / whip adjoint du Parti progressiste-conservateur
Villeneuve, Noble	S-D-G & East Grenville S-D-G & Grenville-Est	PC	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Ward, Hon/L'hon Brad	Brantford	ND	Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances
Wark-Martyn, Hon/L'hon Shelley	Port Arthur	ND	Minister without Portfolio, Ministry of Health / ministre sans portefeuille, ministère de la Santé
Warner, Hon/L'hon David	Scarborough-Ellesmere	ND	Speaker / Président
Waters, Daniel	Muskoka-Georgian Bay	ND	parliamentary assistant to Minister of Culture, Tourism and Recreation / adjoint parlementaire de la ministre de la Culture, du Tourisme et des Loisirs
Wessenger, Paul	Simcoe Centre/-Centre	ND	parliamentary assistant to Minister of Health; Vice-Chair, standing committee on the Legislative Assembly / adjoint parlementaire de la ministre de la Santé, Vice-Président du Comité permanent de l'Assemblée législative
White, Drummond	Durham Centre/-Centre	ND	parliamentary assistant to Minister of Municipal Affairs / adjoint parlementaire du ministre des Affaires municipales
Wildman, Hon/L'hon Bud	Algoma	ND	Minister of Environment and Energy, minister responsible for native affairs / ministre de l'Environnement et de l'Énergie, ministre délégué aux Affaires autochtones
Wilson, Hon/L'hon Fred	Frontenac-Addington	ND	Minister without Portfolio and chief government whip / ministre sans portefeuille et whip en chef du gouvernement
Wilson, Jim	Simcoe West/-Ouest	PC	
Wilson, Gary	Kingston and The Islands / Kingston et Les Îles	ND	parliamentary assistant to Minister of Housing; Vice-Chair, standing committee on the Ombudsman / adjoint parlementaire de la ministre de Logement, Vice-Président du Comité permanent de l'ombudsman
Winniger, David	London South/-Sud	ND	parliamentary assistant to the Attorney General, parliamentary assistant to minister responsible for native affairs / adjoint parlementaire de la procureure générale, adjoint parlementaire du ministre délégué aux Affaires autochtones
Wiseman, Jim	Durham West/-Ouest	ND	parliamentary assistant to Chair of the Management Board of Cabinet; Vice-Chair, standing committee on finance and economic affairs / adjoint parlementaire du président du Conseil de gestion, Vice-Président du Comité permanent des finances et des affaires économiques
Witmer, Elizabeth	Waterloo North/-Nord	PC	
Wood, Len	Cochrane North/-Nord	ND	parliamentary assistant to Minister of Natural Resources / adjoint parlementaire du ministre des Richesses naturelles
Ziemba, Hon/L'hon Elaine	High Park-Swansea	ND	Minister of Citizenship, minister responsible for human rights, disability issues, seniors' issues and race relations / ministre des Affaires civiques, ministre déléguée aux Droits de la personne, aux Affaires des personnes handicapées, aux Affaires des personnes âgées et aux Relations interraciales
Vacant	Essex South/-Sud		
Vacant	Victoria-Haliburton		

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Finance and economic affairs/

Finances et affaires économiques

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Chair/Président: Tony Rizzo
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Karen Haslam, James Henderson, Tony Martin,
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Resources development/Développement des ressources

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Vice-Chair/Vice-Président: Mike Cooper
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Sharon Murdock, Steven Offer, David Turnbull,
Daniel Waters, Gary Wilson, Len Wood
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Social development/Affaires sociales

Chair/Président: Charles Beer
Vice-Chair/Vice-Président: Ron Eddy
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Tony Martin, Dalton McGuinty, Larry O'Connor,
Yvonne O'Neill, Stephen Owens, Tony Rizzo, Jim Wilson
Clerk/Greffier: Douglas Amott

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of Ontario
Third Session, 35th Parliament

Assemblée législative
de l'Ontario
Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**
Monday 6 December 1993

**Journal
des débats
(Hansard)**
Lundi 6 décembre 1993

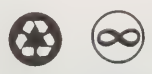


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Honourable David Warner

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Lists of members

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month. A list arranged by riding and including ministerial responsibilities appears on subsequent Mondays.

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Listes des député(e)s

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et dans le numéro du premier lundi de chaque mois. Par contre, une liste des circonscriptions inscrites dans un ordre alphabétique et comprenant les responsabilités ministérielles paraît tous les lundis suivants.

Monday 6 December 1993

Report continued from volume A.

1751

HIGHWAY TRAFFIC AMENDMENT ACT
(NOVICE DRIVERS), 1993LOI DE 1993 MODIFIANT LE CODE
DE LA ROUTE (CONDUCTEURS DÉBUTANTS)

Continuation of debate on the motion for second reading of Bill 122, An Act to amend the Highway Traffic Act / Projet de loi 122, Loi modifiant le Code de la route.

Mr David Turnbull (York Mills): It's quite a pleasant change to be able to get up and speak very favourably of a bill that the government is bringing in.

Those people who have been following the Legislature for the last few years will recognize that I have been pushing for graduated licensing on behalf of the PC party for at least a couple of years, and my colleague the member for Wellington I believe was pushing for it before that.

In fact, two years ago, our caucus asked that we should have a standing order 125 review of this; that is, a 12-hour review of graduated licensing. For various reasons, the government always managed to fob me off on doing that. But we really should have been doing that two years ago. Had we done that, I believe perhaps we would have had the legislation earlier.

It is quite ironic that the government is coming forward with this legislation after so much prodding and after bringing it in, in the springtime, in draft form so that we're only getting the bill through the House now, and it's only going to be implemented in the spring of next year, and yet photo-radar, which the government also claims is a safety measure, but surprisingly, one that brings in revenues for the government, is being brought in immediately.

Photo-radar had first introduction on June 1 this year and already we have the legislation moving at a rapid pace through the Legislature. The government used closure to stop second reading of this from continuing any further. The government would suggest there have been five days of debate and it knows quite well that isn't true. In fact, there have been four days of debate plus 20 minutes, so it probably adds up to just a few hours of debate.

They closed down the second reading, and worse than closing down second reading, they refused to have public hearings. The amazing thing is the minister suggested in this House in a question that there were to be public hearings. How there could conceivably have been public hearings when we were allocated two days in committee, which wasn't sufficient time to do justice to clause-by-clause, let alone any public hearings, is rather insulting.

Let's turn to the more pleasant task at hand, and that is talking about legislation that the government should have brought earlier but is bringing forward now. It was quite a pleasant experience to sit on a committee where all members of all parties were speaking in favour of the merits of this legislation.

We had a very thorough review as we travelled around

the province. We had presentations from people who believed this was good legislation, we had presentations from those who believed this legislation didn't go far enough, and we had presentations from people who believed it was too draconian.

I believe that in the end the legislation strikes a reasonable balance, a balance which is unlikely, in its present form, to be challenged under the charter, which is something to be desired because we cannot frankly afford to be funding all kinds of charter challenges. That, unfortunately, is not the case with photo-radar, which the Attorney General has already admitted is probably going to be subject to a charter challenge. As I say, it's ironic that it took two years for the government to respond with graduated licences and yet only a matter of weeks to bring forward photo-radar. That is a revenue grab.

In May 1993, CTV had what it called the National Driving Test in which 31,000 respondents phoned in their concerns about this, and overwhelmingly we found that the consensus was supportive of graduated licensing. In fact, it could be suggested that the concerns expressed by the people who phoned in were that the government's proposal wasn't strenuous enough. They believed that newly licensed drivers should have at least two years' experience in that category, and that there should only be one passenger in the car as compared with this legislation. They said that the accompanying driver should have at least four years' of experience, 0% blood alcohol while driving, the curfew should be between midnight and 5 am and drivers should be restricted to roads and highways with a speed limit of 90 kilometres per hour.

The legislation, as it has come forward, is quite close to that model, not quite as strict, and the reason, I believe, is because the people in the Ministry of Transportation, the professionals, did a very good job of persuading the committee as to the merits of this particular structure in terms of fairness and ability to be respected by the young drivers, which is most important because indeed this legislation will only have secondary policing. That means that police will not stop young drivers specifically to find out whether they have an accompanying driver with them or whether they have 0% blood alcohol.

The alarming aspect about this is that in introducing photo-radar the government runs the risk that it is simultaneously bringing in a program which will reduce the secondary policing. By secondary policing, I mean where people are stopped for a speeding infraction and then, as a result of that speeding infraction, are checked as to whether they have the proper licensing, the accompanying driver and 0% blood alcohol.

1800

There is no doubt about it that driving with alcohol, when drivers are new to the road, is extremely dangerous, and we must stop the carnage that's on our roads. We know that the statistics for 1991 were that there were 90,519 injuries, which resulted in 1,102 deaths. That's far too many. One death is far too many, so we applaud the government in moving forward.

The Ministry of Transportation estimates that the cost of accidents is \$4 billion. The cost of health care, property damage, insurance claims and lost wages is \$4 billion.

Let's just think of that in terms of the deficit that this government is running. If we were to get the real numbers, not the numbers that they've cooked up by hiding some of the debt, but if we got the real deficit numbers, we're probably pretty close to \$12 billion. So \$4 billion, one third of that, is estimated to be the impact to the province in lost wages, which taxes are paid on, and insurance claims and property damage and health care, which is certainly compelling reason why we should have this legislation.

We know that it is the leading cause of death in 16- to 24-year-olds. The experience of New Zealand, where they've had such legislation for some time, was that in the first year there was a 25% drop in fatal accidents, and deaths in 15- to 17-year-olds were down from 120 people per month to 70; that's a 40% decrease, and let us not forget that New Zealand is a very small country, yet we can see that kind of drop as a result of this legislation.

There were concerns expressed during the committee hearings, particularly by rural residents, and they revolved particularly around the length of time the experienced driver had to have in driving. This legislation calls for four years of experience, and that is to be measured from the first day. If we imagined that graduated licensing had existed for some years, that would be from the first day that the person had a graduated licence to four years from that point. Then they would be eligible to be an accompanying driver.

That was a compromise, once again, between those people who believed that you needed a longer amount of experience, and those who would suggest that perhaps one or two years' experience was appropriate. Throughout this bill we see the compromises that are made in order to get the various parties to buy into this scheme.

The Insurance Bureau of Canada was somewhat disappointed that this scheme was not more strenuous but was happy to the extent that there was a graduated licensing scheme being introduced.

The concern among rural residents with respect to the years of experience revolves around the fact that very often in rural areas parents don't have the availability of transit for their children, and so as soon as they can drive, they get the use of a car. Quite often a sibling may be the accompanying driver. At the moment an accompanying driver may have passed the test only the day before, because level 1 of the graduated licensing scheme is very similar to the present 365 driver's permit, which allows people to drive for one year with an accompanying driver.

Typically, in this province it's taking about four months to get a test. Under this scheme it requires that you drive for one year. However, that can be reduced to eight months if you take an approved driver education course.

The driver education course was something which a lot of us on the committee at the early stages of the commit-

tee believed should be made mandatory, but we were persuaded by both the driving schools, which certainly had a vested interest in getting people into the driving schools, and members of the staff of the Ministry of Transportation that if we were to make it mandatory there wouldn't be as much commitment to driver education. We were persuaded that it was indeed a good idea not to enforce that, but we encourage it by allowing drivers who take such a course to come out of level 1 and take their level 1 test at the end of eight months instead of one year.

So there's a strong incentive, and that's only four months longer than is common at the moment of four months to get your test. It isn't an unduly great hardship on people in rural areas. Nevertheless, there was a concern expressed constantly, both by rural members of all parties who were on the committee as well as the people who came to us from the rural areas to make presentations.

I believe there is an ability within Bill 122 for the government after the fact, under the regulations to be able to make some exemptions if it deems it necessary. The reason I come to that conclusion is reading clause 57.1(1)(n), "exempting novice drivers or novice drivers with a driver's licence of any class or level from any requirement under this part or any regulation made under this part and prescribing conditions for the exemption." I believe the government has given itself the ability to address that, and that's reasonable.

That is the reason I will not be pushing for any exemptions, although there is some concern among some of the rural members that perhaps there should be an exemption, and I would urge the government to revisit this after maybe a year's experience.

There was also some concern among rural residents about the question of 0% blood alcohol. In fact, people from all across the province were suggesting that the regulations relate to the accompanying driver, that they should have 0% blood alcohol as well as the learner driver.

The staff from the Ministry of Transportation persuaded me that indeed it would lay us open for a charter challenge if we were to go to 0% blood alcohol in the same way as we have it for the learner driver. The reason for that is that the ministry apparently has a legal opinion on file which suggests that a charter challenge could ensue from such an enforcement.

As I've said, the enforcement is secondary. What we have to look for with this legislation is that parents fully participate in this legislation. This legislation gives the parents the ability to say to their children: "You cannot drive between these prescribed hours, between midnight and 5. You cannot drive without an accompanying driver until you've passed the level 1 driving test at the end of either one year or eight months." But we have to rely on the good sense of the parents to enforce that because the police will not be out trying to check whether people are complying with this regulation.

We often talk about enabling legislation when we pass legislation for municipalities. I would call this enabling legislation for parents, but it is a concern indeed that at

the time the government is bringing forward photo-radar, we're going to see a reduction in that secondary enforcement, and that's what we need to be very wary of. I think that in reviewing the success of this program in a year or so, we should also take a look as to how successful we've been in terms of enforcing that.

The inconvenience to rural residents also runs around the aspect of the ability of their children to move farm equipment around. Farm equipment, it was explained, could be quite dangerous and it was suggested that we should be encouraging, through legislation, special education with respect to farm equipment. As it was pointed out by one of our rural members, if you have a trailer with some hogs in it and they move suddenly as you're going around a corner, a young driver would not have the experience to be able to handle that. So we do encourage the ministry to build into its training some component to teach young drivers how to handle farm equipment if they're going to be handling farm equipment.

1810

As I've said, there were a lot of tradeoffs in this legislation, and I think it's a reasonable amount of tradeoffs that will save lives and will get the cooperation of everybody.

The most restrictive aspect is undoubtedly the question of eight months' driving before they can take the test. I've pointed out that in terms of the four months it's taking now, we're only asking for an extra four months. Certainly, all the parents who came before us who'd lost children as a result of auto accidents would very happily trade off those four months. But we have to reach out to those people who are saying that this is unfair to people in rural areas and try to persuade them that this is a reasonable way of helping them to save the lives of their children.

There was discussion about the passenger limits. The original legislation restricted the number of people in a car to the number of seatbelts. This has been amended. There were only two amendments that were made to the original draft bill, and that is that there should only be one passenger in the front seat, and in fact that passenger, in the case of level 1, must be the accompanying driver. This was considered to be reasonable because of the distraction value of having a lot of people in the front seat. Many people suggested to us that we should have it absolutely limited to one passenger in the car, but it was pointed out that in rural situations this would be a terrible inconvenience.

Turning once again to the question of exemptions, there was concern with respect to those people who are working overnight, maybe in some restaurant or going to some educational institution, that the restriction, the curfew between midnight and 5 am, was a problem. In level 1 it isn't a problem, because in any case in your 365 you are restricted to having an accompanying driver and that accompanying driver can drive during that period. So we feel that we made the right decision in terms of those tradeoffs.

I'd like to comment on the professionalism of the staff at MTO. These are people who have often dedicated 20 or 30 years of their life to working for that one ministry.

They are extremely professional and understand the questions of safety, and they guided the members of the committee very well during these deliberations. We had some quite difficult decisions to make in terms of should be tighten up the legislation. I for one was certainly in favour of tightening up the legislation when I first saw it. I've been convinced by them that it was reasonable.

The last point I wanted to make was on the question of reciprocity with other jurisdictions. The concern was expressed that those people coming from countries or territories which didn't have reciprocal arrangements with Ontario would be unnecessarily hardshipped by this legislation. In fact, if they've got two years of experience, they will immediately go into level 2 and will forgo the need to have an accompanying driver or the curfew or the series 400 restrictions. I think that's reasonable, because we must have a fairly watertight system which will ensure the safety of everybody on our roads.

It's pleasant to say that we support the government on this. We would like them to have moved it through much quicker, but let's get on with it and let's have a safer Ontario.

The Acting Speaker (Ms Margaret H. Harrington):

Are there any questions or comments to the member for York Mills?

Mr Ted Arnott (Wellington): I'm pleased to respond very briefly to the presentation made by my colleague the member for York Mills, which I saw from my office. He spoke very eloquently in support of the bill, the principle of the bill. I think he's played a very constructive role in the development of this bill. Certainly, this idea is not new. It's been kicking around for quite some time.

The Insurance Bureau of Canada has been endorsing the concept of another level of driver's licence for some time. We already have a graduated driver's licence in many ways, conventionally known as the 365, and then the permanent driving privileges, so there are already two levels of graduation, if you will. This additional level is a positive step.

I know that in rural Ontario, in the riding I represent, Wellington county, there are going to be some concerns about it, and I hope the government will be willing to look very favourably upon the concerns that will be presented. I understand my colleague the member for S-D-G & East Grenville hopes to speak to this bill today, and I think it's important that the differences that exist in rural Ontario vis-à-vis the city be recognized.

In rural Ontario we don't have the access to the absolutely superb public transit system that the city enjoys. It makes it such that we have to have our cars. When the government brings in taxes on fuel, we find it's very difficult for rural Ontario residents because they really have no choice; they have to have their cars, they have to drive.

I want to give the minister credit, just to tone down a bit, for the way he entered into the discussions on this bill. The idea was referred to a committee prior to it being legislation, and I think that's a positive reform that the government would do well to do more of. Certainly, the role that was played by my colleague the member for

York Mills was exemplary in a positive and constructive way, and I'm looking forward to further comments this evening on this bill.

The Acting Speaker: Are there any other members who have questions and/or comments? Seeing none, the member for York Mills has two minutes to respond.

Mr Turnbull: I would thank my colleague, and I'd further maybe get something else on the record, the question of older drivers. It's from a presentation that was made by Royal Insurance Co of Canada to the committee and it illustrates that even older drivers should be subject to graduated licences.

The case study: "A 28-year-old newly licensed driver was travelling with his wife, two children, another couple and their one child in the vehicle. The two men occupied the front seats and were belted. The two women, the insured's six-month-old infant and a four-year-old child as well as their friend's two-year-old were in the back seat and unbelted. The four-year-old announced the need to make a rest stop just as the vehicle approached an exit from the 401. The father attempted to slow the vehicle sufficiently to exit from the highway. He lost control and the vehicle rolled three or four times. His baby was ejected from the vehicle and crushed when it rolled on top of her. His four-year-old sustained minor injuries and his wife sustained a 12th thoracic vertebra fracture. His friend's two-year-old child sustained catastrophic brain injuries and the child's mother sustained a lumbar fracture which disabled her for some time."

That explains that indeed we should be applying graduated licences to adults, not just to younger people, as has perhaps been suggested.

I thank my colleague the member for Wellington for his comments and his concern about rural residents, which I think were very carefully considered and I believe can be accommodated in any future changes under regulations, based upon the way the bill has been drafted by the ministry.

The Acting Speaker: Are there further speakers?

Mr Frank Miclash (Kenora): I too would like to pick up on a fact that the member for Wellington brought forth, that being from rural northern Ontario and knowing the minister is from northern Ontario as well, I would certainly like to support this legislation in principle; however, as has been indicated in previous speakers' comments, the minister and the ministry should take a look at those very particular circumstances that face young drivers and drivers in northern Ontario.

It's been said on a number of occasions that we don't have the public transit that the people in places such as Toronto or Ottawa or the larger centres across the province have. I think the minister has to take into account the fact that we in northern Ontario depend much more on our ability to get out and to use the vehicle at our disposal. I have been approached by a good number of parents who look for that date when their son or daughter turns 16, because that ends, for them, the drives down to the local hockey arena at 6 o'clock in the morning, and for the practices in swimming.

They look forward to that date. I know they are kind

of worried about what this legislation will do in terms of relieving them from those pressures. Again, I speak on behalf of a good number of young people in the riding of Kenora and across the north.

Something that alarmed me when I was listening a little bit earlier today was to note that there were hearings into this legislation; however, the hearings always took place in Toronto, Ottawa and St Catharines. If I can get the minister's attention, I must say, Mr Minister, that I'm quite surprised. He doesn't seem to be listening, but I am quite surprised that we did not have any hearings go possibly up to northern Ontario to hear those views that are quite different from those of southern Ontario who have access to public transit.

1820

I realize the importance of this legislation, as a former educator and as a person who has been associated with young people. I can recount a good number of tragedies. I can recount tragedies where we lost young people between the ages of 16 and 24. Whenever we take a look at the studies, whether they be done by the Insurance Bureau of Canada—I don't care who does the studies, but we find that this is an area where accident rates are high and the fatalities in this age group are extremely high compared to other age groups.

This has been reinforced by a good number of statistics by a good variety of sources. I respect those statistics and, as I say, from personal experience, from knowing of five young girls, all under the age of 24, coming home from graduation actually, all being killed in a car accident very close to my riding, and knowing the person who had to go out and tell the parents, who happened to be down in Lake-of-the-Woods at that time on a houseboat, and knowing what he had to go through. Just having a bit of that personal background gives me the assurance that this is good legislation if the minister takes a close look at what it does to different areas of Ontario.

My leader, the honourable Lyn McLeod, has been quoted as saying on a good number of occasions across the province—and of course being from the north, she knows—that one size does not fit all. I think this is the perfect example of where this legislation will not fit all the circumstances across the province. I hope the minister will take a look at the amendment being put forward by my colleague, where he says that maybe the driver who has to be in the front seat with the young driver doesn't have to have four years' experience. Maybe two years' experience will be sufficient for that purpose.

I truly hope the minister watches the statistics as we get into this. As he's indicated, we'll be looking at the passage and possibly putting into enforcement in the spring, and I hope he watches very closely those areas it will affect.

Is this a new idea? Any of us who have been around the House over the past few months have heard that this is not a new idea. Being a pilot and an aviator, I have experienced the graduated licence where anybody who flies will know that we go through a very stringent system of graduated licensing, and it has had effect. When we speak of driving records, we take a look at New Zealand, a place where graduated driver licensing

has been in effect, and we hear about the 25% reduction in accidents and serious injuries. I think that's very important.

I go back to the point on areas without public transit. The minister is going to have to watch this very carefully. These are quite often, as you would agree, areas of very low traffic volume. I in particular have experienced the driving throughout the north, where you may drive for two or three hours and see maybe a dozen vehicles on a very secluded stretch of highway. I often think of the highway going from the Trans-Canada to Red Lake, Highway 105. For that example, you would very seldom experience, in the middle of January, meeting maybe a dozen cars in an evening. I hope the minister takes that into account.

I think of the drive on the Trans-Canada Highway as well, and I think of the Dryden area where the highway has been upgraded greatly. I think of the volumes there and the people who are coming in from places such as Oxdrift, Dymont and Barclay. These are normally young people who have to travel along that highway to either go to school in Dryden or go to the arena, go for their swimming lessons or whatever. I certainly hope the minister takes that into account.

Reduction in cost of insurance is another question being asked by a good number of my constituents, especially parents who are paying for the insuring of their young drivers. They want to know what that will do. Of course, if we see the accidents and the injury rates going down, I would only assume that insurance rates would follow. I think the minister will have to keep a close eye on that area.

I've been asked a good number of times who out there is supporting this legislation. Again I go back to my personal experience, where I think of people who belong to various groups and what they think about this legislation, and I must say that the groups that were either presenting to the committee or have presented papers on this are increasing all the time and are showing that they are in favour of this legislation.

I think of the Ontario Association of Chiefs of Police, the people who are closest to the accidents when they occur; they support the legislation. Other police organizations see the need for this. Mothers Against Drive Driving, MADD, as they're known, are supporting this. Driving school associations of Ontario are in support of this legislation. These are all people who are very close to what is happening on our highways and across the province and groups that I respect for what they do in terms of educating people.

I just want to go through a number of letters. I must say that in the past two or three years this has been an issue that I have received a good amount of correspondence on, and as well, correspondence from mainly young people who are going to be affected by this legislation.

I have a letter from Dryden, and it's from Jill Bishop and Kathleen Schultz, who write: "We would like to express concerns over the proposed graduated licence. We do understand that it is dangerous to allow inexperienced drivers on the roads of downtown Toronto but,"

and they go, "c'mon, northwestern Ontario is not like that and here we do not have the busing or subway features larger cities do. Could there be exceptions for smaller communities such as ours?"

They reinforce the fact that I indicated earlier, that these young people are saying they need their drivers' licences to get to those places I indicated.

They go on to say: "A teacher has told us that driver's ed will not be available this coming fall due to government cutbacks, so under the proposed graduated licence we would have to wait a full year before obtaining our level 1."

I go back to my former life as an educator. I think one of the most successful programs in our education system and one that I must say possibly saved lives was that of drivers' education. I will certainly be calling upon this government to take another look at cutbacks in that area. The Minister of Transportation will have to approach his colleagues, such as the Minister of Education and Training, and take another good look at that program.

I think of a story, actually, when I had a parent come to me one time, a parent of a fairly bright youngster who was going through high school, probably a youngster who would have done well without our education system, but the parent made a point of coming to me and saying that the best thing that child got during his years in high school was the drivers' education program. He felt that had done a great amount for his son.

Just carrying on with Jill and Kathleen's letter, it says: "Waiting two years is not going to solve any problems. In fact, it may create problems because people are likelier to be angry at the system and break more of the rules. To really ensure that drivers get the experience they need, the Ministry of Transportation should enforce harder driving tests."

Coming from two younger people in Dryden, I think it's kind of interesting where they have actually called on the minister to take a look at the driving tests out there and possibly enforce even tougher restrictions when it comes to obtaining a driver's licence.

1830

I have another letter, from Karli Kurz, who is also a resident of Dryden. She feels "that the lack of information provided about the new graduated licence program has caused a great deal of uncertainty" in her school. We know we have the high schools out there, and the majority of the people who are going to be affected are in those particular institutions. I feel the minister should maybe take note and do a bit of a campaign to let people know.

I've got numerous letters here where we've just answered the very simple questions: "I turn 16 in January. Will this affect me?" "I turn 16 in May. Will this affect me?" "Does it mean I have to have mom or dad in the front seat of the car with me whenever I drive beyond the age of 17?" There are a good number of questions, and again I would suggest to the minister that he possibly promote what this is actually going to do.

Karli goes on to say, "I feel it isn't necessary for a community of Dryden's size to have to enforce a program

such as this," and she refers to the lack of public transportation and the fact that there are very few cars in her area. She knows about Highway 401. I'm not sure whether it was her letter, but somebody indicated to me that they had been in Toronto and had seen the high volumes of traffic on the various 400 highways in Toronto, and they indicated that there was no way they would even think of driving on those types of highways without a good amount of experience or somebody with them.

But I go back to the fact that we're talking about Highway 105 going to Red Lake, that we're talking about the Trans-Canada through our small towns and the need for these drivers' licences.

I have a letter here from Jennifer Vogel of Dryden. She's writing on behalf of many students attending Dryden High School who would be affected by the change. She goes on to say that she does not think this one size will fit all and that northern communities should be looked at as separate and that the conditions of these communities should be looked at. She also talks about the fact that public transportation is just not there.

Here's a point that I found interesting, and it would be partially taken care of by the amendment put forth by my colleague earlier this evening. It says, "This limits our freedom to socialize with our own age group by depending on the accompaniment of older drivers." Of course what this person, Crystal Michaud, is referring to is the fact that there will have to have somebody there with four years' experience rather than two years, as was suggested in the amendment. Then she goes on to say: "I believe the government should have more accessible driver safety education programs. Many students were unable to participate because of the cost. Now that these programs are run by private individuals, these are even more expensive."

I agree with Crystal, who indicates that we need the driver education system back in our education system, especially in the north where quite often these programs are not accessible. I think of many communities in my riding where there is no driver's education program whether or not you want to pay for it, and of course it's not at this time being offered by the high school. That's a plea from the students saying we have to take a look at the education system, that this is going to make a difference in terms of the accessibility to their very much needed driver's licence.

To take a look at some questions and answers put out by the ministry itself, they say: "The government has cancelled funding for driver education courses in high schools. Doesn't that move contradict your goals of ensuring new drivers get more experience before driving on the roads?" I have to agree with that. I think it does contradict that, and I think the minister is certainly going to have to take a close look at what is being offered in our schools.

Mandy Koronniak from Dryden writes to tell me that she too is a grade 10 student, and she doesn't understand the reasoning behind this law and how it will make a difference. "I know that most driving accidents occur to people between the ages of 16 and 18." She's off a little on that stat, but we've sent her information to let her

know that yes, the statistics are high for drivers between the ages of 16 and 24. We've certainly sent her information.

What I plan on doing too is getting clips of what's happened here in the House regarding this issue from the minister's most eloquent speech, for which I wish to send him an Academy Award for eloquence—substance I'm not sure, but eloquence, he'll survive. I must say we're going to have to watch this legislation very closely. We'll have to watch to ensure that it does the number one thing the minister and other members have said it will do, and that of course is saving the lives of our younger people.

Will it reduce collisions? Will it reduce what's happening on our highways today and, again I mention, reduce the auto insurance rates? Parents, more than students, ask me that question.

I indicated earlier that I would be in support of this legislation in principle, being that the minister will take a look at the regulations; I look at it improving the traffic environment throughout the province. But I must go back to the amendment as put forth by my colleague from Ottawa, where he feels that the accompanying driver should be qualified with only two years' experience rather than the four years laid out in this legislation. From northern Ontario, I have to agree that would be of special assistance to the young people in my riding who will be going for their driver's licence.

I look forward to this legislation coming forth and I look forward to what it will do in terms of the numbers. My only hope is that the minister, a northern minister, one of our northern colleagues, will keep a close eye on this new bill and this introduction of legislation and ensure that it sets out an example and does the right thing for the young drivers of Ontario.

The Acting Speaker: Are there members who have questions and/or comments for the member for Kenora? Seeing none, are there further speakers in this debate?

Mr Noble Villeneuve (S-D-G & East Grenville): I will not take a great deal of time but, coming from a very large rural riding, I think some of the concerns have to be put on the record. I was pleased to see the minister here a moment ago. I know he's not far, and he's told me that he will be listening.

First of all, in the riding I come from the largest town is slightly more than 3,000. We do not have public transit and we barely have taxi service, and it creates a great dilemma for those people in rural Ontario. I'm going to be suggesting that for farm-licensed vehicles, those that have the farm designation where a purchaser qualifies as a farmer and has an F licence, a farm licence, and there are a number of those out in rural Ontario, that indeed they be exempted from most of the graduated licence requirements.

The first would be that indeed the driver be in the process of obtaining his graduated licence. At that stage of the game he would be entitled to drive the farm-licensed truck, and it could be anything from a half-ton pickup to a general dump truck used for hauling grain from farm B to farm A, to the elevator, to the storage, or from the field to the elevator in town where he may have

to sit for a couple of hours, and this may well be at 11 o'clock at night, waiting for his turn to unload the grain at the elevator. At 1 o'clock in the morning, it would be totally illegal for this person to be driving whether there's someone with him or not, and that's not very fair to those farm boys who help on the farm. Heaven knows, these days farmers need their families to supply labour that does not cost minimum-wage-plus. Out in rural Ontario the profits are very, very slim.

Another example would be that dad is combining and all of a sudden there's a breakdown. Junior doesn't know very well how to take apart that broken piece, but he can take the farm pickup, go to town to the dealership, get the replacement part, come back, and provide a very valuable service.

1840

So I say to you that this legislation must consider rural Ontario for farm-licensed trucks, be it to go from one farm to another or to run those errands that are so necessary at the busy time of the season, whether it's seeding time or harvest time.

I would very, very much appreciate if the minister and his bureaucrats look at this possibility. The only exception would be that of course zero tolerance on alcohol would be adhered to. Outside of that, I say that farm youth, providing that they are driving a farm-licensed vehicle, should be exempt.

Mr Kimble Sutherland (Oxford): For farm purposes.

Mr Villeneuve: Yes, for farm purposes, sure. Heaven knows, the farm pickup goes from the farm to town many, many times a week, several times a day at times, for those very necessary errands, and there may not be an older brother or mom may not be available to accompany junior. I see absolutely no problem in this being incorporated in this legislation.

I must also tell you that I will be supporting graduated licences in spite of the fact that it does discriminate to a good degree against some of our rural youth, particularly those who may well have to use series 400 highways. I can tell you that some of the worst traffic accidents and traffic deaths have not occurred, in my area at least, on series 400 highways. They've occurred on two-lane provincial highways, on county and municipal roads—some of the most tragic accidents. I've lost good friends and neighbours in accidents that should never have happened, but they did happen, probably because of a number of reasons.

However, I say we must not stop the rural youth of Ontario, those involved in agriculture with their parents, from being able to do those very important things: running errands, delivering grain to the elevator, moving grain from farm A to farm B. And as you know, Speaker, the combining at harvest time happens well after midnight, in many cases; when spring seeding goes on, it happens after dark and very often around the clock when the forecast is calling for rain or inclement weather.

So I say to you that the minister and his bureaucrats must consider this. I only had the opportunity of sitting in committee for one day and this did not come up; it may have come up in other committee meetings. But I

believe it deserves very serious consideration so that we can at least continue to provide cheap food for the people of Ontario.

The Acting Speaker: Thank you. Are there any questions or comments?

Mr George Mammoliti (Yorkview): I need to talk a little about the fact that I agree, when it comes to children—and I call them children still, especially when you look at a place like Woodbridge, which is just north of Yorkview—driving at night, 16 years old, racing cars and killing themselves on roads. The member spoke about farms and about how he would like to amend the legislation so that people are able to use farm vehicles at night.

But I needed to talk about this, first of all to put it on record, and secondly to tell this Legislature that we are having problems with kids, children, 16 years old, drag racing on some of the streets just north of where I live and represent. What they do is get into their vehicle, and it's become a hobby to the point that they actually bet on who's going to win the races. I'm not sure whether that happens up north or not; perhaps the member could elaborate in terms of whether that happens up there.

But where I live, it's happening and it's happening consistently, and the parents are glad to see this piece of legislation. They feel this will put an end to all the deaths and all the accidents that happen just north of my particular area, and that would be the area of Woodbridge. I'm hoping that the member who represents Woodbridge might talk about this as well. I'd like some feedback in terms of how he feels and how his parents feel in that particular community.

Mr Arnott: I'm very pleased to stand and indicate my support for the very sensible suggestions that have been put forward by the member for S-D-G & East Grenville that farm licensed vehicles ought to be exempt from this legislation. He has outlined the reasons why that ought to be the case and he has indicated that farm work does not necessarily respect the hours of the clock.

Many times of the year, whether it be seeding or harvesting time, depending on the weather, farmers will indeed work around the clock, and I think it's essential that we provide this exemption so that we don't put undue hardship upon our farm families. I know many, many farm families where the youngsters, boys and girls actually, are directly involved in much of the farm work throughout the year, and I think it's a way of life that we ought to endorse and respect.

Of course we should have absolutely zero tolerance for alcohol even through this suggestion. Representing Wellington, I find that when I look over the number of tragic car accidents that have taken place involving young people over the past number of years, the vast majority of them involve alcohol late at night on a weekend. We're not talking about farm families in any way having any problems in this respect, but this is what's happening in rural Ontario, and the motivation behind the bill is to save young people's lives, I believe. Indeed, we've got to be very conscious about zero tolerance of alcohol.

I hope that the Minister of Agriculture and Food has listened to what has been said and he will take forward

his support for that particular amendment. I just hope that the Minister of Transportation, who has now returned, will look favourably upon this very sensible suggestion.

Mr Chris Stockwell (Etobicoke West): I think the member for S-D-G & East Grenville made a very valid point. The conundrum the government is in, and I think all parties are, which I think the member for Yorkview didn't quite understand, is the difference between driving in the rural community and driving in an urban centre.

Woodbridge is an urban centre. I think the difference between driving in Woodbridge and maybe the member's riding is for different purposes altogether. The member for Yorkview suggests that if you go out at night as a teenager, racing around in a car is one thing altogether, and I don't think you'd find anyone who'd be in favour of that kind of attitude towards approving drivers' licences for kids of any age.

Mr Mammoliti: You didn't listen.

Mr Stockwell: Having said that, there's a need in some ridings, particularly the rural ridings that my friend speaks about, that allows people at different age levels to get their licence not just to race around the farm or not just to race around their smaller communities but to provide a valuable service to the owners, to their parents.

Mr Mammoliti: See what happens when you yell and scream and you don't listen to what somebody is saying? You don't get the picture.

Mr Stockwell: This is the conundrum the government's stuck in, because you have members such as the member for Yorkview blathering on about an issue that is not what the member for S-D-G & East Grenville spoke to. I say to all members in here that when you're passing graduated licences, you must be very certain that you represent all the views across the province of Ontario.

Mr Mammoliti: On a point of order, Madam Speaker: Is this not questions and comments?

The Acting Speaker: Yes. That is not a point of order. The member may continue.

Mr Mammoliti: Well, I asked him a question.

Mr Stockwell: Thanks, Madam Speaker. Some of my time was taken up for some member to ask if this is not questions or comments.

All I would like to say is that maybe if the member for Yorkview understood the dilemma that the rural members are in, then he would understand the kinds of salient points of view that my member and my friend brings forward that address the real issues—

The Acting Speaker: Thank you.

Mr Stockwell: Madam Speaker, I'm trying to finish. I got a silly point of order from the member for Yorkview asking if it was questions or comments.

The Acting Speaker: Your time has expired.

Mr Stockwell: We all know it's questions or comments.

The Acting Speaker: Would the member take his seat, please. Thank you. Any further members with questions and/or comments? Seeing none, the member for S-D-G & East Grenville.

Mr Villeneuve: To the member for Yorkview: I know he represents a very urban riding and I will not dare stand in my place and tell you that rural youth do not race. They're young people. However, what I'm talking about is a farm vehicle, and not many farm vehicles—this is a farm truck, and these young people have had experience at driving the farm truck in the fields and in the farm lane.

1850

They're pretty well coordinated, and I would say they're probably as good a driver in a tractor, in a combine or in a farm pickup. It's not for racing purposes, and if indeed we thought it was for racing purposes, I would not be on my feet asking that farm-licensed trucks, whether they're grain haulers or whether they're farm pickups, be exempt according to at least the requirements that I have asked.

To the member for Wellington: He represents a riding probably almost as rural as mine, and I think he understands, coming from a small town, and we very much feel that farm-licensed vehicles never were intended to go 140 kilometres an hour; they were intended to go to town and be basically chore vehicles, and that's what we're talking about.

Yes, there are some fancy farm trucks with farm-vehicle plates on them, but the majority of them are workhorses. We're not talking tractors here; we're talking about farm pickups and trucks that go the elevator to dump grain. Anything that qualifies for a farm plate has to be owned by a farmer and can be used for farm purposes only. You don't see them with campers on them, and if you do, it's illegal. So we're talking about strictly farm-licensed pickup trucks and those that haul grain to the elevator. I want to emphasize that.

To the member for Etobicoke West: Even if his riding is very urban, I think he understands rural problems.

The Acting Speaker: Are there other members who wish to participate in this debate?

Interjections.

The Acting Speaker: Order. Would members come to order.

Interjection.

Mr Stockwell: Come on, kick him out, Madam Speaker. He cuts me off, he jumps up in my question. You don't give me extra time.

The Acting Speaker: Order. The member for Etobicoke West and the member for Durham East, please come to order. We would like to use this time. The member for St Catharines now has the floor.

Mr James J. Bradley (St Catharines): Thank you, Madam Speaker, for the opportunity to speak on this bill. In the House it is said very often that members of the opposition oppose the government and its legislation no matter what, simply because they're the opposition and that's their responsibility.

That, of course, is not the case, though it happens often, and this is a piece of legislation which I believe has a very strong consensus among not only the three parties in the official positions of the parties but among

the overwhelming majority of members of the Legislature, who believe that it is timely legislation and that it is progressive legislation. Even though there may be certain parts of it with which we are a bit uncomfortable, by and large we believe that this legislation—I certainly personally believe—is, in 1993, essential.

I'm sure that the minister and others in this House and those who have had input into this have watched one accident too many happen among young people in our province. Every time we see young people racing to the railway track in a car at high speeds and breaking various laws of the province—and not really thinking about it, because young people often don't have that kind of caution that experienced people have—we find it to be a tragedy. There are many people who are watching this evening or who are following this debate in one way or another who have had someone they know, whether it's someone in the immediate family or a relative or perhaps a friend or neighbour, who had been either killed or badly injured in a car accident.

When I have gone, as I do from time to time, to speak in high school classes, many of the students, particularly the younger students, do not always see the relevance of a political representative to their lives. I can assure members of the House that the young people in grades 9, 10 and 11 are particularly interested in their provincial politicians because we have the power, the jurisdiction and the responsibility to deal with legislation that governs their right to drive cars and the privilege that they would have bestowed upon them and the conditions under which they would be able to drive.

When I have discussed matters of driving with young people, I have asked them the question, "Why do you believe that the government today and many interest groups are advocating a system of graduated licensing, a system which would be tougher on new drivers than it is on experienced drivers?"—and even though we say "new drivers" means people of all ages, very often the new driver is a young person, 16, 17 or 18.

When I ask the question, most of the students know the reason. The reason is that the statistics indicate clearly—and they're not simply anecdotal statistics, they are statistics that are very bare, very to the point—that the accident rate among new drivers and young new drivers is much higher than it is among experienced drivers.

This doesn't mean that people who are 20 or 30 or 40 or 50 or 60 years old are automatically better drivers or automatically more responsible people. But the chances are, the statistics show, that the more experienced driver and the older driver tend to be more cautious and more aware when driving and less likely to take the kind of chances that young people or new drivers might.

All of us, I believe, feel that we are better drivers today than we were when we started out, because of those experiences, because of looking at accidents on highways, because of observing other drivers and sometimes because of observing the consequences of our own bad driving habits when we are starting out.

So it seems to me that the government has found in this province a consensus, particularly among adults,

certainly among parents and those concerned about matters of driving for young people—there's a strong consensus out there that some kind of legislation, some kind of graduated licensing system is required.

In fact, if you look back in the history of the province, not all that long ago, you will see that we've had different rules for brand-new drivers and different rules for those who have been driving for some period of time. So this is an evolution rather than a revolution taking place in terms of legislation.

I have talked to people who go to accident scenes, the police officers and members of fire departments, who have a very difficult time. You, Madam Speaker, being from Niagara Falls and having access to the local media, may have seen a column, for instance, by John Nicol, who has written as the Bystander in the St Catharines Standard. He wrote a very recent column about a youngster in the prime of life, with everything going for him, who was killed in a car accident.

I don't know whether, if that individual had been exposed to a graduated licensing system at the beginning, it would have made a difference, but in many cases there is a belief that it would make a difference with so many young people in our province, or new drivers, if they'd had more stringent regulations, more stringent laws, more stringent limitations placed on them in their early days of driving, that they would develop driving habits which were different from those who did not have those same restrictions.

It's not out of a sense of meanness, it's not out of a sense of wanting to put down young people, it's not out of a sense of arrogance that members of this Legislature, who are generally older than the new drivers, for the most part obviously, that we see out there, are wanting to lord it over these people or wanting to exact some punishment. Rather it's because of a genuine concern for the life and safety of those young people and new drivers that we are in fact debating this legislation and discussing it.

Some members of the Legislature sat on a committee that went across the province. I think when they reported back, the consensus they reported among those who made representations to that committee was a consensus in favour of a graduated licensing system.

Unlike photo-radar, with which I happen to disagree, I find this a much more acceptable piece of legislation. When I hear government members say, "You people are just opposing it because we're the government and we're bringing it in," I happen to oppose that bill for another set of reasons; I happen to agree with this bill for a number of reasons.

1900

I hope the minister and the government will take into consideration some of the suggestions that have been made, perhaps by their members in a quieter and more confidential way and by members of the opposition in a more public way through amendments in this House. I would hope they would give serious consideration to those amendments.

I represent an area which is almost exclusively urban.

My riding is all urban except for one small strip on the east side of the Welland Canal. Therefore, the young people in my community by and large have access to public transportation; they don't have far to go to their schools or to the recreational centres or to libraries or to services or to work, not as far as people would have if they resided in a rural community.

I have driven through some of the rural communities, including East Grenville and Dundas and the counties in eastern Ontario; Glengarry, I've driven through there; I've been through Nepean. I've not been through Lake Nipigon yet, but I'm looking forward to being there. I can certainly see that the circumstances are somewhat different for drivers in that part of the province. For instance, kids who play basketball in St Catharines can hop on a bus and go almost anywhere in the city. They can easily get, in a short period of time, from one place to another in the city; they don't have to drive on provincial highways.

But my friend from Renfrew North, Mr Conway, in previous discussions of this matter has suggested that in his part of the province the rules are different: There is not public transportation available, the distances the students must travel are somewhat farther than they are for those of us in urban centres, and the way the schools operate in terms of their hours of operation may be somewhat different from the urban areas.

So I would hope the government would give serious consideration to the amendments. Many of them I think are very practical amendments put forward by the member for Nepean and the Conservative critic in this field. And I said to give serious consideration, because very often the government dismisses them virtually out of hand because they're from the opposition. If the government would feel more comfortable adopting them as its own amendments, that would be equally reasonable and acceptable to those of us in the opposition, because our role isn't to score points in this particular debate but rather to see the best possible piece of legislation being brought forward.

We're living in a different society today. When I used to teach school, in a classroom of, say, 35, 36, 37 or 38—those classrooms are virtually unheard of these days, but in those days, perhaps there might be two or three or four of the students who came from single-parent families. Today, very often the case is that at least half come from single-parent families, and that's more onerous on the young people and on the one parent than in circumstances where there are two parents at home, both of whom may have access to a vehicle and be able to drive people. When it's one parent and that person is working, it is particularly onerous for that youngster to be able to get from one area to another, to play hockey or some other sport, or to go to violin lessons, or whatever that person happens to do.

That's why I think it's important to take that into consideration when we're passing this legislation. We have to also look, whenever we pass laws, to whether we are simply going to make more criminals out of people—I say "criminals;" that's probably too strong a word—whether we're making more lawbreakers out of people by

making the laws such that they almost invite a breaking of that law.

But by and large, the legislation that is before us today is supportable. The member for Nepean talked about the process; I don't think he's formed a final opinion on whether the consultation previous to the bill was better than having a consultation once the bill is before us. I guess in the best of all worlds it would be good to have both; in other words, a fairly general consultation before the bill comes forward on issues related to highway safety and licensing, and then when the bill in its final form comes forward that there be an opportunity—limited, I understand, but an opportunity—for public input from people who may have some different ideas that might improve the legislation, or even for those who might be opposed outright to have a say in this legislation.

The insurance companies indicate clearly that the reason they rate young people higher in terms of premiums than they do older people, or new drivers as opposed to more experienced drivers, is that first of all they have something to go on with experienced drivers. They're not taking a chance on those people as much if they've driven for 15 years and been accident-free and not incurred too many fines or violations to the Highway Traffic Act. That's one thing that's easily explained.

But when young people have asked me as a legislator when I visited the schools, "Why are my insurance rates so high?" we really go back to the fact that insurance companies over the years have come up with or established those rates based on the record of driving. Even though a new, young driver may be an excellent driver, perhaps a much better driver than I on the highways and on the city streets, that person's general category—in other words, a young person just getting a licence perhaps in the mid-teens—the general rating of those people is going to be much higher in terms of premiums because of the experience the insurance companies have had with those young people.

It is also said, and this doesn't always happen, that the older people get the less they are thrilled by some of the things that motor vehicles can do and that there's not as much of a need to impress others once one has been driving for a number of years. There are still people of course who are bad drivers when they're very old and feel they must show off, but by and large that tends to happen more among young people.

I would like to have seen suggestions from young people. I would like to have seen this bill—maybe the minister did this and I wasn't aware of it—sent out to various secondary schools in our province, or the ideas, so that it could be discussed in the classroom. It was interesting that although some of the young people, with a vested interest, opposed this, most of them thought it was a great idea if they were grandfathered or grandmothered. In other words, if they were able to get their licence and then you started it after that, they thought that was a pretty good idea as long as they weren't personally affected by it. It's much like saying that we all agree with cuts in government expenditures until you ask where you would like those cuts to be, and then there tends to be something of a debate over that.

I hope that as a result of this legislation a couple of things happen. The first hope is that we will see a diminishing in the number of motor vehicle accidents in this province. That's the immediate impact I'm looking for: that we're not going to see as many young people in accidents, because accidents can still happen, but that the risk of accidents that are of a fatal nature to young people will be reduced significantly; second, that the rate of accidents where there is bodily damage incurred diminishes considerably; third, that the damage to vehicles is much less than it was in the past.

All of that should have the impact of bringing down insurance rates, because if the insurance companies don't have to pay out as much they won't have a justification for taking in as much in terms of the premiums.

In the longer term, I think the advantage of this legislation is to build good habits in drivers. In other words, if one is significantly restricted in the early days, early weeks and early months of driving, then one tends to develop much better habits than if there are virtually no restrictions, when one simply gets a licence and then drives whichever way one wishes to. I think there may be some lifelong consequences, and I think they're positive consequences, through the passage of this legislation, and I look forward to that.

We will likely have, as a result, a generation of better drivers than we have had in the past. That remains to be seen, because there are more young people who have access to automobiles in this generation than the last generation or that previous to it.

1910

I still have some qualms about the people who live in rural ridings. If we had a freer ability to speak in this House—there are a lot of government members here. I wonder if they would be able to share some of their experiences—they probably have through the caucus procedure, but I wish they would share them with the House.

I see that the member for Niagara South is here. She has a different kind of riding than I have; she has some urban centres but also some rural territory. I don't know how well it would work; I don't have to deal on an immediate basis in my constituency with people who have to travel in the rural areas as much as she would. She probably has some more immediate insights into the consequences of this legislation, which, as I say, is generally extremely positive but may need some amending to take that into consideration, particularly, as Mr Villeneuve indicated to the House, in the operating of farm vehicles.

The Minister of Agriculture and Food is here this evening and likely has had some input into this bill. He may want to have some further input. I can't say that I have an immediate knowledge of the operation of a farm; I have not lived on a farm. I've been on the odd farm, but I can't have that personal experience of it. I wonder whether there are some provisions that might be made to accommodate farm vehicles or whether the problem is just as great. I think others will know that better than I, but I hope the government has looked very carefully at that.

I remember speaking to—and this is where it becomes very difficult. This is where, when there's a debate over these issues, one tends to come down on the side of the consensus that was reached in this legislation. I recall talking to a friend of mine who had the unenviable job as a fireman of having to remove from a vehicle a young person he used to coach at one time in baseball. It was an accident that happened in the north end of my community and a person was very badly injured, eventually fatally, and this person had the job of using the jaws of life to pry open the car and pull the young person out.

Well, you don't go home and sleep easily after that. I know that members of the fire department who have that very difficult task and members of the police department who often arrive on the scene first would likely be among the most supportive of this kind of legislation, just as the insurance companies for economic reasons would be. Those other people, for very human reasons, would be, as of course would be parents and friends and relatives of those who have experienced fatalities and serious bodily injuries as a result of driving habits and young people and the way young people, some young people, have acted.

It is most unfortunate. I think all members of this House find it unfortunate that a penalty will be paid by all young people because of a much higher risk among that age category of serious accidents happening.

I am pleased to offer a few comments here this evening, to offer comments in support of this legislation in a general sense, and to urge the government to give very serious consideration to the suggestions which have been made by their own members on a more confidential basis in the government caucus and cabinet and by members of the opposition and perhaps a few others who have made representations to this committee.

I think this bill has potential to be very positive for this province. I want to assure the Minister of Transportation of our support for its concept and for its implementation in a timely fashion.

The Deputy Speaker (Mr Gilles E. Morin): Questions and comments?

Mr Gordon Mills (Durham East): I've listened with great interest to what my colleague had to say. I too had a similar experience with some young people in my riding. I was invited to go to a rural high school, getting on to two years ago now, to explain to them the process of how we make laws and how they come to pass in this Legislature. I used as an example, to explain to them the process, the graduated licence process. I'll tell you, they ate me up like anything. They got very angry about it. They said in no uncertain terms, "We'll never vote for you." The strange part of it is that by the time 1995 comes around, those people will be of voting age and I tremor at the thought of this.

Anyway, I stand in my place tonight and support this legislation 100%, because I think that as legislators here, we're sent here by our peers to represent them and we have a definite role to play here in saving lives of the young community, and there's no doubt about it that this legislation will do that.

I too, like some of my other colleagues, have some concerns as it affects rural people. I have a large rural area in my riding. I have a granddaughter who works in Bowmanville and she has to drive herself, now that she's got her licence, to and fro. Before that, it was a real burden to her mother and father, and always someone there to drive her. I understand that burden of getting young people in the country to and from their work.

I also have some empathy with highways where people have to traverse the 401. They're not allowed to go on that, I understand, to get to their jobs. I have a lot of empathy with that too, but I still like to think that the most important thing we're talking about here is the saving of young lives. Those terrible accidents involving young people across the province lately have really upset a lot of people and this will go a long way towards preventing any recurrence of that.

Mr Hans Daigeler (Nepean): I think the member for St Catharines, as we say in our prayers, has spoken wisely and well, and I say in particular wisely because I think his experience in the House here has shown, because he's putting forward a very reasoned argument and putting both sides of the question forward and coming down in this case in favour of this legislation, which he does not always do, because when he weights the pros and cons, more often than not, unfortunately with this government, he has to come out on the no side, but on this one he supports it. One of the reasons is because he stays in touch with his own community, and he makes reference to his visits to high schools.

I would like to mention something that the minister, I think, would be interested in and that I was extremely proud of. The public health nurses in Ottawa-Carleton invited me about two weeks ago to speak to them about the graduated licences. Frankly, I thought it was great that the public health nurses looked at this measure as a public health issue, and I think they're right. They're right because this measure, certainly about the younger people, is one that affects the mortality rate very significantly. If the public health nurses, through their high schools, can do something to convey what the government is trying to do here, to convey the attitudes that will help people to be better drivers, then I think they really will do a great service to our communities.

I must say I was very pleased and impressed by the public health nurses, that they took that initiative to invite me, not as a Liberal member but as someone who took part in the hearings on graduated licences. I spoke to them, I would like to assure the minister, on a non-partisan basis and I think they were pleased to hear what we're trying to do here and why we're trying to do it. I certainly encourage other public health nurses across the province to do the same thing.

The Deputy Speaker: Questions or comments? The member for St Catharines, you have two minutes.

Mr Bradley: Very often the public asks members of the Legislature and those of us in the political process to work together for the good of the province, or the federal jurisdiction or the local jurisdiction, and very often we find ourselves in a position of confrontation. I think this legislation is a fine example of the development of a

consensus of working together to support legislation that we believe to be good, and to try to improve on that legislation.

Another way they could improve, and this was mentioned previously by the member for Nepean, is that they would have to ensure that there's good staff available to do the testing. One of the complaints that we get at our constituency offices now, on an ongoing basis, is the length of time, particularly in urban areas, where young people and new drivers have to wait, perhaps up to six months, before they're able to get an opportunity to try out for a licence.

Since this legislation suggests that there shall be two tests that would take place, it means that the Minister of Transportation will have to ensure that the transportation offices, particularly the driver testing offices, are staffed in such a manner as to be able to serve those people in the province. If they did so, they would find much of the resistance to this evaporating among the parents who are generally themselves very supportive.

Perhaps part of it is an influx of young people and new drivers into the driving centre so that they could get their licence before this legislation came into effect, but I hope the minister in the implementation of this bill would look carefully at the staffing levels at those various testing centres and ensure that the young people have that chance to be able to get their licence, to have the test at the very least, and be able to use their vehicle for both recreational and perhaps work purposes.

1920

The Deputy Speaker: Any further debate?

Mr Allan K. McLean (Simcoe East): I am pleased to have an opportunity to say a few words with regard to Bill 122, but before I get into my remarks I want to comment briefly on the member for S-D-G & East Grenville, who made some comments which the member for Downsview didn't really think were appropriate because he's talking about rural Ontario.

I just want to refer to the member for Downsview a little saying that goes like this: "Burn down your cities and leave our farms and your city will spring up again as if by magic, but destroy our farms and the grass will grow in the streets." That's a pretty good saying, when you really think of it, with regard to what some urban people think of rural Ontario. You should never speak about farmers when you've got your mouth full, because they're the ones who really put the food there.

I want to say a few words with regard to Bill 122, An Act to amend the Highway Traffic Act, which would create a graduated licensing system for novice drivers in Ontario. Under the provincial government's proposed graduated licensing system, all new drivers, regardless of age and life experience, will enter a two-level process lasting a minimum of 20 months for level 1 new drivers. They will be allowed to drive only class G vehicles: cars, vans, small trucks. They will be allowed to carry only as many passengers as there are seatbelts in the vehicle.

They may drive only when accompanied by a fully licensed driver with at least four years' experience who has a blood alcohol level of less than 0.5%. I should stop

right there because I firmly believe that there should be zero tolerance; it should be 0%.

The novice driver will be required to maintain a zero blood alcohol level. He will not be permitted to drive on 400 series highways and some multi-lane urban expressways, and he will be restricted from driving between the hours of midnight and 5 am and will be required to display a vehicle sign identifying himself as a new driver, which I kind of thought was optional.

Level 1 will last for 12 months, but drivers will be able to reduce this time period to eight months if they successfully complete an approved driver education course, which I firmly believe everyone should.

To enter level 2, new drivers will be required to pass a basic driving test with a government examiner. Level 2 is where more privileges are granted, but the blood alcohol and passenger limitations remain at least a minimum of 12 months. At the end of level 2, drivers will have to pass an advanced test focusing on their ability to recognize and take appropriate actions in hazardous situations.

A graduated licensing system with familiar conditions and time limits will also be recommended for all first-time motorcycle drivers in the province.

I will be supporting Bill 122 in principle because I have always believed that driving is not a right; it is a privilege that must be earned by demonstrating common sense, driving skills and knowledge of the rules of the road.

I understand the Ministry of Transportation issues more than 350,000 new drivers' licences each year, and no other province sets tougher standards for testing and licensing than Ontario. It is extremely sad that there is overwhelming statistical evidence that inexperienced drivers pose a very serious safety threat, a threat not only to themselves but to other people on the roads. Traffic collisions are the leading killer of people between the ages of 16 and 24 in Ontario, but statistics show that all new drivers, regardless of their age, have a much higher collision rate than experienced drivers.

Driving examiners, driver trainers and safety experts have indicated to me that the likelihood of becoming involved in a collision is greatly reduced if the new driver gains experience gradually in conditions where the risks are low. Some studies suggest that it takes between two and five years of driving to develop all the skills and judgement needed to avoid collisions.

The people of Ontario are concerned and upset every time they pick up a newspaper and read about traffic and tragic deaths on our roadways. Too many of these deaths involve novice drivers. There were 213,669 traffic collisions in Ontario during 1991, resulting in more than 90,000 injuries and more than 1,100 deaths. Based on the 1991 statistics, road crashes injure someone in Ontario every five minutes, and every eight hours someone is killed.

It has been estimated that collisions cost Ontario taxpayers approximately \$4 billion a year in lost wages, including health care, insurance claims and property damage. Speeding and loss of control have been found to be two major factors in collisions that result in deaths.

Almost half of the traffic-related deaths among 16- to 24-year-olds occur when they are driving the vehicle, and a significant portion of the other deaths in this age group occur when the victims are passengers in vehicles driven by persons of the same age group. More deaths involving new drivers occur on highways than on city streets, and a great many—far too many—involve alcohol.

I understand that the intention of earning driving privileges under graduated licensing is to ensure that new drivers acquire driving experience, especially in low-risk conditions that reduce the chance of a collision, thereby reducing the chance of serious or fatal injuries.

To complement the proposed graduated licensing system, the Ministry of Transportation plans to take corrective action to deal with new drivers who display poor behaviour while on the road by using the existing intervention system of warning letters, driver counselling sessions and licensing suspensions sooner for new drivers than for drivers with full privileges.

I was eager to determine how the young people who will be directly affected by Bill 122 feel about this important piece of legislation, so last September I wrote to student council presidents at Patrick Fogarty Secondary School in Orillia, Elmvale District High School in Elmvale, Orillia Collegiate and Vocational Institute in Orillia, Penetang Secondary School in Pentanguishene, St Theresa's High School in Midland, Midland Secondary School in Midland, Twin Lakes Secondary School in Orillia, and Park Street Collegiate Institute in Orillia.

I forwarded each of these council presidents an information package regarding graduated licensing, asking them to bring this material to the attention of their fellow students and requesting that they provide me with their comments. To date, I have not received a response from any of the student council presidents. I assume that they and their fellow students support the idea of a graduated licensing system.

This is certainly not the case with respect to an Oro township resident who attends secondary school in Barrie. Jordana Simek wrote to me the following letter in early October:

"My name is Jordana Simek. I am a grade 10 student attending Eastview Secondary School. I reside in Oro township on concession 6, lot 11"—the great township I was born in. "The government's proposal to legislate graduated licences is unfair to the majority of 16- to 17-year-olds who are responsible. I do not intend to become intoxicated and drive dangerously. How many deaths have been caused by 16- to 17-year-old females and how many by males of the same age range? The legislation punishes the majority and merely delays the same youths in acting irresponsibly. Living in the country, a mode of transportation is necessary. Don't make us walk because they broke the law. I would greatly appreciate you presenting my and many other future voters' point of view at Queen's Park."

The minister will know that not all people and young people are in favour of this legislation. I wanted to make sure that that was on the record, because it is not unanimous.

Keith Elliott, who is the centre supervisor at the Ministry of Transportation driver examination centre in Orillia, says he agrees with the principle of Bill 122. Mr Elliott suggests it will attack the very real problem of peer pressure that has resulted in the tragic injury and deaths of so many young people in Ontario. Now, he admits that there will be some bugs in the new graduated licensing system, but nothing that can't be overcome in time.

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Robert Gow of Young Drivers of Canada in Orillia and a member of the Road Safety Educators' Association supports a graduated licensing system. Mr Gow suggests that novice drivers should be required to keep a driving logbook to prove that they've driven at least 2,000 kilometres accident-free before they are eligible to take an exit test. He suggests the incentive for proper driver training should result in novice drivers getting on the road sooner.

Hon Gilles Pouliot (Minister of Transportation): It's cars we're talking about.

Mr McLean: The minister says it's cars we're talking about. Well, Minister, that's what we are talking about, because I'm talking to people who are involved in the driving schools.

Len Thomas of Len's Driving School in Orillia says the proposed graduated licensing system is good in principle but requires some fine-tuning. He suggests that the accompanying licensed driver not be allowed to consume any alcohol rather than the 0.05 blood alcohol level allowed in Bill 122. Mr Thomas goes on to say: "It doesn't make a lot of sense to have a licensed passenger half-drunk, monitoring a driver the same age as the passengers in the back seat. Kids are still kids."

I probably have had more driver education schools in contact with me than the minister has. Mr Thomas recommends making driver training mandatory. He suggests retaining the 25 hours of classroom instruction and increasing the in-car training from the current 10 hours to 20 hours, which would be 10 hours' driving under winter conditions and 10 hours under summer conditions.

Bonnie Soestmeyer of Bonnie's Driving School in Orillia says not all kids are bad drivers and not all novice drivers are kids. Ms Soestmeyer says it is most unfortunate that Bill 122 paints all novice drivers, young and old, with the same brush.

It is time to put an end to the tragic traffic collisions that are the leading killer of people between the ages of 16 and 24 in this province. We all agree that improving safety on our roads will save lives. But it will also save on insurance, health care costs and lost time at work and school.

These are costs to each Ontario resident and they all add up to more than \$4 billion each year. Clearly, this is an issue that is above partisan politics. Making our roads safer is a responsibility we all share.

As I said earlier, driving is not a right; it is a privilege that must be earned by demonstrating common sense, driving skills and knowledge of the rules of the road.

There are a couple of concerns that I have with regard

to this bill. We have a law in this province that says age 19 is the drinking age. Why is it that we are putting stuff in this legislation, and there are many pages of it, that have to do with regard to the issue of suspension of licence for 12 hours?

It says, "Where, upon demand of a police officer made under subsection (2), a novice driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by a provincially approved screening device, registers 'presence of alcohol,' the police officer may request the novice driver to surrender his or her licence." I don't think that they should be allowed to have any alcohol if they are a novice driver.

It goes on and says, "Upon a request being made under subsection (3) or (4), the novice driver to whom the request is made shall forthwith surrender his or her driver's licence to the police officer and, whether or not the novice driver is unable or fails to surrender the licence to the police officer, his or her licence is suspended and invalid for any purpose for a period of 12 hours from the time the request is made."

Why, Minister, are there all these sections in here with regard to alcohol for the novice driver? There are all kinds of drivers who can get their licence and start taking the course at 16 years of age. So I say to you, there need to be some corrections with regard to issues that you have, suspension of licences, within that legislation.

A couple of other questions that I had, to the Minister. The problem I have is with regard to rural Ontario where an individual loses her spouse. She's probably 50 or 55 or 60; it doesn't matter what the age limit is. She's not a novice driver, such as the accident rate shows for the 16- to 24-year-olds. I think there should be somewhere in there that they could bring that on quicker, that they could do their driver's ed, do their testing, and not have to wait the year or the 20 months, as is in the legislation, because there's been a tragic thing happen. I hope that you would look at that issue.

Hon Mr Pouliot: Some of them have had a driver's licence for 20 years and haven't driven for 20 years.

Mr McLean: That's right, but they're not the ones who are in the high accident bracket either, those types of people.

The minister had indicated there are lots of people who don't get their licence until they're 30 or 40, but the argument to that fact is that they should be able to—

Mr Leo Jordan (Lanark-Renfrew): But he says they have their licences and don't use them.

Mr McLean: Anyhow, the other question I have is, is there a provision in here for new Canadians who didn't have a licence before—are they included in this legislation? The other part of that question is, if they've had a licence and they've driven on the autobahn and are used to speeding in that part of the world, should they be brought in and given a test?

There are some questions that are unanswered in this legislation. When we look at the whole essence of this bill, we agree with it. I think it's long overdue, but there are some minor issues that I think the minister should look at.

Therefore, it is my right and my privilege to support Bill 122 to amend the Highway Traffic Act so that we will have a better province to drive in. I thank you for the opportunity to put these remarks.

Mr Robert Frankford (Scarborough East): I'd like to take this opportunity, while supporting the bill, to raise some questions around a broader context. We should be looking at traffic. We're interested in reducing societal costs, we're interested in reducing accidents, and I have yet to hear advocacy of alternatives, which I would call car reduction and traffic calming. Valid as the reasons for this bill are, the problem is the car. The problem is the volume of traffic, and we must be designing a system, a context, in which people can get around.

The previous speaker mentioned whether driving is a right or a privilege. It probably is a privilege, but I believe that transportation has to be a right. I noted his comments about the difficulties in rural Ontario. I would submit that the problem is the lack of public transportation, so we have this car dependency built in. I've had some very interesting discussions with people in the alternative transportation movement and some of them take the rather interesting, radical approach of comparing car dependency with dependency on cigarettes and other noxious substances.

I think this bill will in fact make some people less car-dependent. I myself have three daughters of driving age; two of them are graduated. They don't have cars. They are bicycle-dependent, if anything, and public transport-dependent. There are more and more young people who want to be in that group and they can live with this legislation by virtue of not even wishing to drive. I think we must not forget that and I think we have a responsibility as members to develop non-car alternatives.

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Mr Miclash: I'd just like to make a couple of comments on the comments made by the member for Simcoe East. He was indicating that somebody has come to him with the idea of the use of a driver's log book. After being a teacher of 16-year-olds and students who are aged 16 and onwards, I think not. I can't really see the actual imposing of that restriction on a driver and then, if that were made part of the law, just enforcing that portion of the law.

The Minister of Transportation indicated that, yes, it does work well in aviation, but I must say that in aviation you're looking at many backups where you have flight plans, medicals every year or two years, aircraft logs corresponding with the pilot's log. But in terms of requesting a young person from the ages of 16 to 24 to actually keep a log in their possession and keep it updated, again I think not.

The member touches on rural Ontario and I think he brings up some very valid points in terms of the lack of public transportation there.

My fellow colleague indicated his recommendation or amendment to this, where the driver beside the young driver, who is actually in control of the vehicle, should only have to have two years' experience. I think that would definitely help alleviate that problem.

I go back to my initial point that one size does not fit all, and I do hope the Minister of Transportation, a minister from the north, will recognize that as this becomes law and as it goes into effect.

The last thing I would like to comment on is the member referring to driver education, and I can't emphasize too strongly the need for that program in our education system. Again, I do hope the Minister of Transportation will coordinate his efforts to ensure that this is brought forth to all young drivers across this province.

Mr W. Donald Cousens (Markham): I too would like, first of all, to express appreciation to the member for Simcoe East for the way in which he's presented the views of certainly my constituents as well tonight on this bill. It's a time for leadership in the province of Ontario, and Mr McLean has tried, through his own example and through his work in this Legislature, to have a progressive view of how people handle vehicles of any kind.

I know it doesn't apply totally, but it's too bad this bill couldn't carry an amendment for people who are driving boats on the waterways. Certainly that's an area in which he has had a tremendous amount to say, and when he is Minister of Transportation for the province of Ontario, I can assure you that you'll be seeing some major breakthroughs and improvements with regard to safety of those who are driving any kind of water vehicle. Again, I want to express, certainly on behalf of my constituents, a thank you for the remarks from Mr McLean.

I think there has to be tremendously good sensitivity on the part of the government and all members of the Legislature when there's a consensus brewing—

Interjections.

Mr Cousens: —and I'm worried that Mr Mills is about to destroy the consensus. It's one thing to be carping away there—you're so used to doing that in government—but what we're trying to say is, find a way in which we can achieve some consensus on need for amending this bill that understands some of the rural needs of the province of Ontario. If, through the Legislature, we're able to find some ways of understanding that the rural population has a need that is somewhat different from urban municipalities, then that will have again shown that this House is able to moderate its views and work for a consensus where everyone can benefit.

I just want to thank the member for Simcoe East for his excellent remarks.

Mr Randy R. Hope (Chatham-Kent): I wish to comment on the member for Simcoe East's comments. He made reference to the education aspect, driver education. I'm wondering, in his opinion, who should be paying for that driver education? As we know, for a lot of working families, it's one of the last things on their priority list to be dealt with as far as spending.

When he talks about the statistics—and I want to get back to the statistics that he used in a minute. But I know he made reference to rural Ontario. As one who comes from rural Ontario—you talked about the young people not paying attention or not writing, or they feel they're in consensus with it—I'm sure that a lot of young people really don't understand the legislation until they reach the

ripe age of 15½, getting close to 16. They'll start to understand the impacts that the legislation might have.

But when he made reference to his statistics about the deaths and accidents that occur, I take it then the member opposite from Simcoe East will be supporting photo-radar, which will help reduce the traffic speeds that are out there.

I also wanted to ask the member for Simcoe East, as we always make reference to the four-wheel vehicles, about his viewpoint dealing with motorcycles. I heard the issue about boats being brought up. You know, there is always an interest at the age of 16, not necessarily to have a car but to look at a motorcycle because it seems to be a part of the style that is in our communities.

So I'm wondering about the restrictions that he himself, who is supposed to be progressive, as I listened to the member before me speak about a progressive member's viewpoints—what stipulations would be there dealing with motorcycles? Because you're dealing with some of the 750 cc or 1,000 cc rockets that they're developing today, and a lot more young people are pulling up the front wheels of their motorcycles.

But to that member, I take it that with the statistics you brought forward today, you'll be supporting photo-radar. Also, I wonder where you're getting the information. Is it just a \$10 saving for insurance when we take this driver training, or are there going to be bigger savings for the young drivers or the new drivers on auto insurance, where you said there would be a reduction?

The Deputy Speaker: The member for Simcoe East, you have two minutes to reply.

Mr McLean: I welcome the comments that have been put forward, and I would like to comment to the last member, Mr Hope from Chatham-Kent, with regard to motorcycles. If he will read tomorrow's Hansard, he will see where I spoke about them when I was making my remarks.

The other aspect he raises is with regard to photo-radar. If he wants to look at the legislation that deals with photo-radar and the rights of people that have been taken away, I think he will understand why many members in this Legislature will be voting against photo-radar.

On your comments with regard to high school students, I'm going to tell you that Ms Simek, who wrote me the letter with regard to graduated driver's licensing, is probably speaking for a very large number of students in Ontario. As I indicated, I did not get a lot of results from the questionnaire, the letter that I sent to the school student councils, but I'm going to tell you, there are a lot of them out there who are concerned about it.

I want to thank the member for Scarborough East for the rural statistics that he talked about with regard to the number of passengers in the vehicles. I often think that for our rural people, the people like Simek, whom I mentioned in my remarks, if that individual, a young student who lives on the 6th concession of Oro, had the opportunity to spend some time to get her graduated licence but could drive alone, without having other students in her car, I think in rural Ontario that would be something for due consideration.

The member for Kenora talked about the driver education, and I think that's so important. When we look at boating education, why is the ministry not looking at that whole aspect? They're looking at snowmobile education, which they're sponsoring. What's the matter with sponsoring boating education?

I thank Mr Cousens, the member for Markham, for his comments, because he's always a member who knows what's going on in this Legislature and speaks highly of those who put forth good remarks.

Mr Murray J. Elston (Bruce): It's very interesting that we have an opportunity to stand today and debate what is called An Act to amend the Highway Traffic Act, because it leads people to believe that this is sort of a routine matter, an amendment to the Highway Traffic Act, an act that has been in force for several years. Oftentimes when we deal as legislators with the Highway Traffic Act, they are changes of minor importance to a whole series of people.

That's not the case with this bill. This series of amendments, some of them for the right reasons, I might say, is important for the nature of business in this province. Historically, we have been a nation where all of the people in our province have had to put their shoulders to the wheel, so to speak, to make sure that we functioned economically. Families got together to make sure that family farms and family businesses ran efficiently and effectively enough to stave off the bankers and anybody else who would try and put us out of business.

In that regard, we have had for a long time an understanding that somebody who was 16 years of age, if he could pass a driver's test, would be capable of being able to drive in this province. We have, as a result of some unfortunate incidents—many unfortunate instances—come to the conclusion that there has to be something more done to safeguard our young people against accidental death and injury on our highways.

Whether this series of amendments will be the right approach for me is not yet proven. I will admit right up front that I am a parent of a 16-year-old daughter who has not yet obtained her driver's licence but who does have what has usually been known as the 365-day licence. She is now taking training through driver education courses and she is doing what has usually been the case for all of the 16-year-olds in the province.

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As it turns out, I didn't happen to go through that same regimen. I was a farm boy. I drove tractors. I drove vehicles of all shapes and descriptions prior to becoming 16. I actually didn't even apply to get a licence for a vehicle on the road until I was 17 because I hitchhiked. I had no real need to drive the car, at least in my own view, and I did hitchhike. I hitchhiked home from school, and from the university. I hitchhiked home from school after football practices. I hitchhiked between the University of Western Ontario and the University of Guelph where friends of mine were attending and where my girlfriend, now my wife, was attending school. I did all of those things because it was a way of getting around.

But, to be quite honest, I had the option of doing that

first because I was male and the sense was that it wasn't all that dangerous to hitchhike. I don't think it was even considered in those days to be particularly dangerous to hitchhike if you were female, but that of course has all changed. Everything has changed with respect to violence to young people, and although we observed today in the House a sense that we can no longer allow violence against women in this province, I would have to say, as a matter of understatement, that we pay too little attention to the fact that there is violence throughout our society, which means that more formal requirements for transportation and communication must be provided to our young people.

It's at that stage that I embark upon just a very brief analysis of graduated licences. It is not an option for people in the rural part of Ontario not to be able to drive. It is an unfortunate necessity of our country that we have broad distances which must be travelled on a daily basis by not only grown-ups and people who are newly licensed but also by minor children, so-called because until you reach the age of 18 you are known as a minor.

For me, it is not enough that we set out for all of the minors in Ontario a regimen which prevents them from taking control and charge of an automobile on our highways because we say that we are protecting them from themselves. My goodness me, we have that very same problem in existence inside families that are dysfunctional, inside our schools, inside all kinds of institutions which have been newly discovered to have breached the privacy and breached the human rights of some of our even more junior minors, and we don't seem to be taking the same action there.

So let's look at graduated licensing for what it is. It is, without any exception whatsoever, a paternalistic attempt to extend our care and control over a group of people whom we consider to be vulnerable members of our society. Why are they vulnerable? It's vulnerability that basically comes from the fact that they haven't got the experience that the rest of us have. That's really the end of the discussion.

What we are trying to do is provide them with guidance and encouragement to learn more about the automobiles that they will be driving over an extended period of time, and for that I wish to thank the Minister of Transportation for bringing this in. It's not a new idea. Bill Wrye, when he was the Minister of Transportation, was thinking about it. I was the Minister of Financial Institutions and I was encouraged to consider graduated licences as a help in trying to moderate the prices of insurance because we saw accidents occurring far too regularly among new drivers—mostly, I might add, young drivers, but I think it's now more generally acceptable to say new drivers, which would encourage all to think of people of all ages who are newly introduced to vehicles on our highways.

From my point of view, though, while we extend this paternalism, it is interesting to note that we are preventing some of those young people and new drivers from doing exactly as we would like them to do in other areas.

We want them to get experience with—I'm sorry, Mr Speaker, I can't hear because of the table. I'm sorry, but

there are some discussions; it's much too close, I'm sorry.

There are some problems associated with this because young people can't take jobs that require them to be travelling around my riding. I won't speak about other ridings. I don't know the other ridings as well as my own although I can extrapolate to a certain extent because I know rural Ontario somewhat.

I talked with several classrooms of people from the member for Huron's area, in South Huron District High School this morning, and they are likewise, with me, concerned about the prospect of them having to drive from their homes out in the rural part of the area—

Mr Paul Klopp (Huron): After you left I cleaned it all up.

Mr Elston: Sorry?

Mr Klopp: After you left I got it all cleaned up.

Mr Elston: I'll bet you cleaned it all up, Paul.

There are concerns about how they're going to get home from those places. People are going to have to drive them an extended period of time because we are going to force them into what are described euphemistically as level 1 and level 2 before they can write their exams or try their practical tests that give them a full licence.

It is difficult enough for people to drive around the supper hour. To be quite honest, I've been looking forward, as my wife has been looking forward, to the prospect of having a new driver in the family to help manage all the busy activities of our family. I will admit that up front, because it has been the tradition in our country that everybody when they are capable can lend a hand to helping the economic activities and family and cultural activities of our country to sustain themselves.

I am, unfortunately, here an awful lot of the time. My wife is at home with our five children and to think that Jeannine would probably be able to help drive somebody to figure skating, to drive them to hockey, to cubs or scouts, to Brownies, and to all of the other activities, it seems to me, is a reasonable expectation.

What does it mean? It means now that we will have to wait somewhat longer. It means, on the other hand, if we don't want to actually drive the children ourselves, that we will have to have somebody who is at minimum 20 years old to come to our assistance to help chaperon our daughter as she drives somebody all the way down the road.

There is a very practical problem that confronts us as a family. It's a very practical problem that confronts us as an economy. Because there are all kinds of people who are 16 years old and, dare I say it, from rural Ontario, I will bet that the member for Huron and the member for Hastings-Peterborough could probably enumerate at least one or two people whom they know who are under the age of 16 who are driving trucks and other vehicles to and from farms and to deliver all kinds of commodities.

It's a very practical reality, and one that has allowed our farm economies to function quite well, thank you.

In some ways those people who have driven before

they are the age of 16 or 17 are very capable drivers indeed because their experience was garnered in a less busy area, and they in fact became familiar with what it was like to drive a huge piece of equipment at particular rates of speed. They got the experience. Now we'll make sure that those people are longer in phasing in their ability to drive, and maybe the paternalism will work. But I don't for a moment believe that we should hold out the prospect, as I think perhaps is being done slightly too much by the minister and by the IBC and others who are advocates of this, that this will be a cure-all, that somehow or other all this experience will amount to fewer accidents, fewer injuries or fewer visits to the funeral parlour for our young people.

In the end there are some other factors which play at this. There are the momentary lapses of attention which happen to any of us. And I, as a person who drives a considerable number of kilometres around this province in a year, can attest to the fact that while you drive a lot and you may have a great deal of experience, a moment's inattentiveness is as a damning for those people with experience as it is for the young driver.

The problem with weather is as damning to the future of the young driver as it is to the experienced driver.

All of those things will play a role in probably militating against graduated licences being the cure-all for this provincial program.

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I don't want to see young people dying. I don't want to see young people injured. I don't want to see mothers and fathers doing what has been described to me as the most unnatural thing in the world, and that is burying their offspring. It's a terrible prospect. It's a terrible prospect to meet someone who has been maimed in an accident; somebody with a promising future being left in a wheelchair. All of that is terrific if you really look at what was before them, and it is so sad to see what is left of them after the problem. It is so terrible.

I don't believe for a moment that we, with our new paternalism, are going to provide all of the salvation that we expect to be delivering to our young people. In fact, I don't think this is going to alleviate a lot of the difficulties around drinking and driving. I think the activities in the high schools, for instance, are going to be doing far more to prevent accidents as a result of drunkenness and driving than all of the activities around graduated licences.

In that regard, I'm very proud of the fact that the member for Nepean, our critic, is going to be moving an amendment in committee of the whole which will say that the person who accompanies a young driver will not be able to have had one drink whatsoever, that there will be zero tolerance for alcohol in not only the driver but also the chaperon. I'm happy about that. I can't, for a moment, condone any alcohol in the trainee's bloodstream. I cannot tolerate, as a result, any alcohol in the bloodstream of the person who is chaperoning. I think that ought to be an amendment in committee of the whole that will be accepted and endorsed by the Minister of Transportation.

I'm not sure that in fact is what's going to take place. I have heard that perhaps none of the amendments which will be proffered by my friend from Nepean will be accepted.

Interjection.

Mr Elston: I'm sorry, Mr Speaker. I think somebody wanted to congratulate the member for Durham East for assuming the Chair. I will, and you look very comfortable there, but—

Hon Mr Pouliot: He's very eloquent and capable indeed. You do the office proud, sir.

Mr Elston: Mr Speaker, thank you very much for defending my rights. You have been an outspoken democrat in this House and I want to congratulate you for assuming the Chair, even if it's just briefly so.

Not only do I support the amendments that will be proposed by the member for Nepean with respect to blood alcohol, but I also support the idea that only one person should be in the front seat of the automobile with the new trainee. I think the Minister of Transportation, in accepting the advice of the committee that discussed graduated licences before this bill was introduced, has taken a sound step forward. The cramming of an automobile with too many passengers that might distract the young driver, in my view, is a dangerous set of circumstances that ought to have been dealt with and, in fact, the minister has seen fit to do so and I congratulate him on that.

But you know what is very interesting in all of this? The fact that anything goes in this province if you don't have enforcement. That, at the end of the day, will be the true judge of how proper this whole program is. You see, if the people who are new trainees believe that there is little or no chance of being caught, there will be people who take chances, there will be people who take risks, and the people of this province will rightly condemn this Legislative Assembly for standing up and making great speeches about how good this program is when accidents occur that are occurring under circumstances that violate this graduated licence scheme.

So what am I saying? I'm saying that this program, like every other provincial program, is only going to be as good as the ability of this province to enforce it. How do you enforce it? You enforce it by providing enough resources, through the Ministry of the Solicitor General and other ways, for surveillance of our roads. I think the member for Simcoe East, who spoke earlier, had indicated that speed kills, and he read out some statistics which were, by their own expression, important statistics, talking about accidents and deaths and injuries and all of that stuff. Speed kills but speed is a real hazard on our roads today because there is very little ability to enforce the speed limits.

Well, that takes us to photo-radar, and I saw the member for Lake Nipigon, the Minister of Transportation, doing his little camera-flashing imitation. It's true, he's going to put on the 400 series of highways a camera which will capture, as people go by, the speeders—as long as they're not going over 165 kilometres an hour, I'm told.

For me that is but a half-step, because I looked at the Toronto Star—and I know that the New Democrats, from time to time, call it a tabloid—but it enumerated last week, in a very interesting chart, the number of accidents that had occurred not on 400 series highways but at main intersections in the Metropolitan Toronto area. Where were those accidents occurring? They were occurring at all the very busy crossroads of this particular great city of Toronto. They were on Sheppard, they were on Steeles, they were on Kennedy, they were on Markham Road, they were at all the major intersections.

We know that, generally speaking, photo-radar and other things which would try to hold down speed will not be put in those intersections, even though speed at those intersections is probably part of the cause, where people try to run quickly through the yellow or even take the red light to try to beat the traffic and they end up causing problems.

You know something? The photo-radar isn't even going to be deployed on the two-lane highways. Well, I will tell you from experience, that the two-lane highways and the undivided four-lane highways, which are not 400 series highways, are also areas in which speed is a problem. I drive those roads often. I confess here publicly that sometimes I'm known to go over the speed limit a little because I often leave late from one meeting to get to another. I suspect there are very few of the people in this House who haven't, from time to time, tried to make up a wee bit of time on the highway between meeting sites.

I will tell you that the only way that speed will be reduced on those two- and four-lane undivided highways, other than 400 series highways, is to deploy some people known as police officers who will enforce the speed limit or you're going to have to spend \$80,000 a pop for a huge number of those photo-radar apparatuses.

That is as big a problem for our young people to deal with—ie, the speed on the two-lane and four-lane undivided highways—as it is being on some of the extended sections of 400 highways. For instance, when you get outside of Metropolitan Toronto and some of the busy areas around Kitchener-Waterloo on the 400 highways, for instance 401, if you're driving west of London for a considerable amount of time, it isn't so congested that people couldn't find a way of getting some training at higher speeds.

I agree, however, with my friend the member for Lake Nipigon that the 400 highway exclusion is a good idea. I just merely point out to him that there are more dangerous sections of roads in this city of Toronto than the 400 series highways. You know something? We cannot provide enough exemptions from this full licensure that would protect our young people from every danger that is out there.

I merely want to put that case publicly so that the parents out there, who expect us to move with dispatch to do whatever we can to save young people from terrible accidents on the highways, will understand that full guarantees of the safety of any person are not something that we can deliver in this Legislative Assembly. As remarkably capable as any of us are as legislators, we can't provide a full guarantee.

I want that point to be made absolutely clear to anybody who thinks that graduated licences will reduce to zero virtually all of the accidents in this province with respect to novice drivers. It isn't going to happen. I think it will help, but as I met with those people from South Huron District High School under the leadership of Joe Hogan today over at the Macdonald Block, I was struck by the sense of how unfair these young people felt it would be because there were some folks there who knew of 16-year-olds who had been able to get their licence. And those 16-year-old people will be able to drive under the full authority of the law because they, as a matter of timing, were able to get their licence. However, the others who by accident of birth or timing of birth will have to wait or, even more so, those people who can't get an appointment to get their driver's licence test because the Ministry of Transportation has cut back hours and time of availability of their testers, they are going to be left until almost the age of 18 before they can be fully driving in the province of Ontario.

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I want to point out some other problem that is important for me as a person from rural Ontario. While I've mentioned about the problems of small-town Ontario and rural Ontario commerce as it relates to the need for full family involvement in all of the activities, I'd like to put this case for the Minister of Transportation and the member for Lake Nipigon.

I was reading just recently, through my membership in the Canadian Automobile Association, a list of all of those people who are licensed to drive in North America and they went through the age requirements for people to drive in their home states and provinces and territories. It was interesting to note that there are at least two or three—I can't remember which, because when I went back to find the pamphlet, I couldn't find it. My filing system obviously is wanting. But there were at least two or three of the states of the United States where you can begin to drive at just over 14 years of age.

For those of us who live in Ontario, it'll be interesting to note and explain to our young people at 17 and 18 years of age that they are not able to drive and in fact have no ability to drive on the roads because they are under a graduated licence system, while somebody from a couple of the states in the union will be able to come through Ontario at the age of 15, 16 years of age and drive. That's really an important problem for me to deal with.

So maybe the Minister of Transportation could enter into some kind of a reciprocal agreement whereby there is every ability in this province to treat all people, all novice drivers, the same way. In fact, those 14-year-olds from the United States couldn't even be driving at all on our roads if they had been born and raised in the province of Ontario. They couldn't even have a 365-day licence.

So what are you going to do about those people because those 15-year-olds and 16-year-olds from out of the country could very well be driving through the city of Toronto? While we welcome our neighbours to the south here as tourists and as full participants in a very wonder-

ful country, I can't help but say to myself, isn't that a problem which the Minister of Transportation should try to eliminate when he's dealing with the issue of fairness with respect to our young people?

Let me ask you another question, Mr Speaker. You're a member from what used to be called Stormont, Dundas and Glengarry. It's now been shortened to S-D-G & East Grenville. We had our discussions about that and the proud traditions of the area, but you will know, like I know, that a number of 18-year-olds—17-year-olds on some occasions—actually graduate from our secondary schools and go off to colleges and universities, which generally speaking are not found in rural and small-town Ontario.

Unfortunately, in our area people have to go to the University of Waterloo, a very fine institution; Sir Wilfrid Laurier University, another fine institution; McMaster University in Hamilton; the University of Toronto; the University of Guelph; the University of Western Ontario; the University of Windsor. But you know something? In order to get back and forth—it's interesting—they'll have to have some kind of transportation. Persons deemed to be old enough to be away from home, to take on a new and formative part of their years, will be considered to be too young to drive in this province on their own.

While we send them off to deal with all of the other problems, all of the violence that is associated with some of our society today, they cannot get into an automobile. I merely put that forward as one of the interesting contradictions when we're dealing with this piece of legislation and to remind people that this is not everything that it is cracked up to be because the parents are going to be obligated, somehow or other, to find safe transport for some of those people.

I am not, for a moment, going to contend that I will be voting against this legislation. In fact, there are too many people who would say that the benefits will outweigh the difficulties. For those of us who have a practical difficulty about having a young person in our family who was looking forward to and is not only reasonable but a responsible person looking to become independent, it will be somewhat more difficult.

I don't know how to explain to a person that you are less competent to drive in Ontario at the age of 17 than those people who are 15 and 16 are competent to drive in parts of the United States or indeed even in other provinces of our country. I think that is what is so difficult. I think that there are more dangers inherent in driving in the city of Toronto off the 401, off the 403, off the Gardiner, than what the ministry is letting on. I don't condemn them for that; I think that the real desire is to try and forge some kind of a good public policy that will appear to be dealing with what is a serious problem. I've already enumerated the difficulties which are out there in the world for young people driving automobiles.

But for me to let on that this is going to be the cure is not going to be acceptable. To let on that somehow or other the young people are going to have to find somebody else to drive them to the convenience store where they work for extra money after school or on the weekends, to say to those young people, "You can drive to the

place, but as soon as 12 o'clock hits, you can't drive home. It doesn't matter whether you're accompanied or not," is a bit of a difficult explanation to make.

At the end of the day all we are charged to do, I guess, in this place is to try and deliver the best we can to protect our citizens, to provide a regime which is fair, and I've already indicated that it is maybe fair inside the province, but it isn't so fair when compared to other people who will be using our roads as tourists, as visitors or indeed as new residents, if they've already qualified to drive someplace else.

It is difficult for those economic units that require early access to transportation for young men and women to drive commodities to the elevators, if you're farming, to help pick up deliveries for the general store or the hardware store for the parent who is busy trying to make sure that they can carry on their commerce and who look forward to having their family join in the economic activity.

It is for me essential, if this program is going to work, that two things at least occur—probably more than that, if I were able to take a little bit longer, but two essential things will have to occur.

First, the Ministry of Transportation will have to ensure that it has not only competent and capable staff available but that it also has staff who are easy to deal with in meeting the needs of testing and examination of these young drivers and novice drivers in our province. So far, I am not convinced that the Ministry of Transportation is either capable of putting or willing to put the number of dollars that are required to give people access to the driving tests they need.

Second, before I run out of time, there has to be better enforcement on our highways, and I am absolutely sure that the Solicitor General, because of the Finance minister's strictures, is not able to look after that end of the event.

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Mr Norman W. Sterling (Carleton): Because I will not have time to speak in the debate, I'm going to use this as my opportunity to support this legislation unequivocally.

Notwithstanding that we all have concerns about any kind of system that's put into place by the government, any government, there can be no doubt that a graduated licensing system will save young people's lives in this province. That is the reason my caucus, under the leadership of the member for York Mills, has brought this issue to the fore through the use of attracting hearings on this before a committee of this Legislature. Our caucus felt very early in this term that this was the time for Ontario to bring forward a graduated licensing system.

Now, we can quibble about the various parts of the graduated licensing system. I don't want to quibble about them because I'm willing to trust those people who have talked about this, some people from my own riding: Sue MacNeil, who is very much involved with the driving instructors, and the Canadian driving instructors association, who've been very supportive of this kind of legislation.

The fact of the matter is that while 16- and 17-year-

olds represent only 5% of the drivers in our province, 10% of the fatalities are occurring among this age group. We cannot help but reduce that number by having some form of graduated system.

I am willing to put this graduated system in place. Let's look at it historically, maybe three or four or five or six years from now, as they did in the state of California. Six years after they had the legislation there, they looked back and found it had indeed reduced the fatalities, the accidents among the young drivers, by 5% or 6%.

I am willing to accept a graduated licensing system that does reduce fatalities and accidents among our young people by 5% or 6%. True, it's not the answer to all, but it sure is a darn good start, and I will support this legislation wholeheartedly.

Mr Frankford: I enjoyed hearing the presentation of the member for Bruce. He certainly instructed us about the needs in rural Ontario for alternatives, for public transportation.

He referred to accident spots and I think inadvertently said they were in Toronto. They're actually all in Scarborough.

Coincidentally, I was speaking this evening with Ann Storrison, a retired school teacher who lives in the Warden-Ellesmere area of Scarborough, which is actually in the Speaker's riding, where they are very concerned about the advent of a Price Club in addition to an Aikenhead's store at what is already a very dangerous corner. Certainly the people there would like anything which will be reducing the traffic.

This licensing legislation will help to some extent to reduce the traffic, but clearly what we need most is some real planning around transportation, some real initiatives around car reduction.

The urban planning involved in putting in megastores like that really is boggling the mind, and Mrs Storrison and all the residents in that area are extremely concerned about an integrated approach to transportation. The situation of course is made even worse by the concentration of commercial stores and facilities so that even the smallest errand will bring back and reinforce that car dependence.

Although this legislation will help, and I appreciate what the member said about the necessity of younger family members as chauffeurs and to run errands, which I have experienced myself—

The Acting Speaker: (Mr Noble Villeneuve) Thank you. The honourable member's time has expired.

Mr Steven W. Mahoney (Mississauga West): I want to compliment my colleague and House leader for his comments on this particular bill.

I find one thing interesting as everyone talks about the impact on rural Ontario of the graduated licence. I appreciate those concerns about the distances in the farm community and the problems that are there, but let me tell you that while my three sons are now young men and don't rely on mom and dad for transportation in any way whatsoever, there was a time for three or four years when the three of them would be playing AA hockey in the

MTHL all over the city, and if one of them didn't drive, there was going to be a major problem in making all the commitments. I found that having them involved in sports like that was extremely important and very good for them and certainly kept them out of the malls and everything else, so it's not just rural Ontario that has a particular problem with this.

What I think is key is education. In fact, my own kids, my boys went through the young drivers' program, and I think it's an excellent program. What I would rather see: Toughen up the education process. Make it perhaps a little more difficult, make the testing a little more severe and make sure the new drivers, young people or elderly people, anybody who's new, go through a proper testing program so that they're aware of all the pitfalls of driving. Clearly, driving in the GTA can be a nightmare. You get out on that Highway 401 and it can be very, very frightening.

As usual, this government has identified a particular problem and thinks it can resolve it with a one-piece-fits-all legislation for everybody, and I'm afraid it isn't going to work.

The Acting Speaker: We can accommodate one final participant.

Hon Elmer Buchanan (Minister of Agriculture and Food): I didn't want to miss the opportunity to comment on the member for Bruce's comments in support of this legislation while at the same time he was making a number of comments about its effect on rural Ontario. I did want to respond, because the minister, in his wisdom, has been consulting and listening to a number of people around this issue for some considerable length of time.

When the minister first brought the issue forward, I want the member for Bruce, and you, Mr Speaker, as well, to know that the original proposal was for a ban from dusk to dawn. That would have had a major impact on rural Ontario because a lot of people, especially at this time of year, when it gets dark at 4:30, would have a very difficult time. It was through the consultations with members of this caucus and with members of organizations in rural Ontario that the minister made the decision to move to midnight.

I appreciate the concern that there are a few people who are going to have some difficulty with that. I think, Mr Speaker, you raised some good points as well. However, this is a compromise, moving back from dusk to midnight in terms of a curfew, so I think the minister has listened to many of the concerns and tried to implement some of those to help rural Ontario cope with this legislation.

I want to compliment the minister for that, and I want to thank the member for Bruce and yourself, Mr Speaker, for raising the concerns of rural Ontario, because very often legislation affects rural Ontario differently than it does urban areas. All the rural members in this House obviously have to speak up from time to time for rural Ontario, and we really appreciate the support on both sides of the House.

The Acting Speaker: This completes questions or comments. The honourable member for Bruce has two

minutes in response.

Mr Elston: The member for Scarborough East, I believe, Dr Frankford, has given another item that has to be looked after; that is, planning around our traffic circles. Although we were talking about Scarborough roads, there were more roads listed in that article than just Scarborough, but those were the ones that came to mind quickly. The planning around major intersections is very difficult for even seasoned drivers to navigate, let alone young people, but the young people under this graduated licence system will be thrown into the middle of all that. I appreciate that he has given another thing that will have to happen in this province if we're going to have success, and that is better planning of our layout for those types of highways.

Better highways are going to be required. I appreciate that all of us will be dealing with issues of fewer resources, but at the end of the day, resources are going to make the difference in whether or not we are really going to reduce accidents.

I remember, for instance, dealing with 401 and the problem of getting in the barriers around 401. The current Minister of Transportation has finally installed some of those in the Woodstock-London area. We were working on that, the Tories had worked on parts of it, and bit by bit that very dangerous section of 401 now has been almost completely dealt with, I think, in making it safer not only for young people but all people who are going to drive on those roads.

I wasn't condemning the minister for bringing in this particular legislation so much as I was noting that there are still some problems associated with it from my point of view. Obviously, there are other problems as well, and I think we ought to face the reality of the circumstances that there will be continued difficulties faced on our highways, but at least I believe at the end of the day that we will be doing something that will improve the experience of our drivers. I guess my advice to the Minister of Transportation is, drive on.

2030

The Acting Speaker: Further debate on second reading of Bill 122? The member for Grey-Owen Sound.

Mr Mahoney: Now for a balanced view.

Mr Bill Murdoch (Grey-Owen Sound): A balanced view, yes; that's what you'll get now. It's an opportunity for me to speak on this bill. I guess a lot of us must be in favour of this bill, because this government hasn't brought in closure yet and is allowing us to speak on it. They must like what we're saying over here.

The bill is not too bad a bill, but unfortunately it doesn't go far enough. I'm really disappointed that the committee didn't take in the concerns of rural Ontario and northern Ontario. I sat on the committee for a couple of weeks, and a lot of people brought forth the concerns about what could happen in rural Ontario and northern Ontario, where it's a lot different from living in a large urban centre. The minister and the committee seem to have ignored that, so I'm a little disappointed.

We can talk a bit about rural Ontario and northern Ontario, where there are different problems than there are

here in the city. In the city, if someone has to get to work, they do have the transportation system that's a lot different from rural Ontario or northern Ontario. You have the bus lines, you have the subways and lots of taxis, so there are ways to get to work or to go places that are a lot easier than when you're in rural Ontario, especially in the north.

I see the member from Etobicoke is going to leave, maybe because I'm talking about a rural issue he may not like. But to me, this bill is set for the urbans instead of the rurals. It does affect everyone, but as we've said, there are different concerns in rural Ontario. The member who spoke before, Noble Villeneuve, about the concerns where drivers have to take grain and parts from machinery to town to get fixed and things like that in the rural communities—they won't have this chance now until a later date, and it makes a difference.

They talk about some of the problems we have in rural Ontario. One of the problems is that there's a lot of distance that people have to travel. This is one of the things that concerns me about this bill. I feel the committee didn't give it enough time, so I do hope the minister's listening across the way and that this bill will get more consideration before it's passed in third reading.

I've been led to believe that they're just going to go to committee of the whole and try to pass this bill with a few amendments. I don't think that's good enough. I think this bill should go back out to committee and allow people to have more input into it. There seems to be a problem for the rural and northern areas for which they couldn't find a solution, so maybe there are people out there who would have some ideas that could correct this. If the minister's going to ram it through the House, which seems to be the norm these days, then that's not right. I think the minister should be looking at that and having some more consultation.

This bill has some safety things in it and there's no doubt that this will make our highways safer. It's not like the photo-radar that this minister rammed through last week and didn't even allow us a full debate on, which was just a money grab. This one does have some safety aspects, and I know that once this bill is implemented, some of our newer drivers will have a chance to drive much better before they get their licence. I think that is a good thing and I can support it.

Overall, I will have to support this bill. As I said before, though, the concerns of rural Ontario have not been addressed, although in clause 57.1(1)(n) it says there may be some other exemptions. Hopefully, when the regulations come down, the government will listen to some of the exemptions we may have to put forward and will implement them into the bill under the regulations. If they will do that, then that will make this bill much more acceptable for the people in rural Ontario.

As I've mentioned before in the House, I have two daughters. One is 17 and one is 14. My 17-year-old got her licence when she was 16 and she drives very well. She would not have been able to go to work; she has a part-time job after school, and it allows her to take the car and come home. She would not have been able to do this under this bill, and my 14-year-old will not be able

to. But if it's a safety factor, maybe we'll have to live with that.

One of the other things is that when it was in committee, I don't feel there was enough time given or enough promotion put forward to have students come in and speak on this bill. I know there were some but not very many. I think the minister and the committee made a grave mistake there when they didn't ask some of the students from some of the schools to come and to just give their views about this. These students are going to be 16 and 17, they should have had a chance to put some more input into this, and I feel that's why this bill shouldn't be put into committee of the whole tomorrow or the next day and rammed through. That's why I think this bill maybe should go out to committee for another week so that we could get some answers and questions from some of the students.

Another aspect of this bill: I have talked to some of the police officers in my area and they will have a hard time enforcing some of these rules. It was mentioned by the member for Simcoe that if somebody is drinking at that age, then there shouldn't just be the suspension of their licence; they shouldn't be drinking at that age anyway. Some of the bill has a lot of rhetoric in it and drivel that shouldn't even be there. Again I don't know why the minister added some of that to it, but I guess he had to fill up paper and whatever and it made it look a little better to add this drivel to it. But they seem to do this and carry on as they do.

As I say, one of the good things about it, they are letting us debate this bill and that is something new that's happened in the last two weeks, because in the two weeks previous to this they just put closure after closure on all the bills because this side of the House didn't agree with it. Again, photo-radar was another one: "Hey, we've heard enough. We're just going to close it on you."

They didn't let us speak on all the bills we wanted to. On this bill they know that they have the support of the opposition, so at least they're letting us debate it and we appreciate that—one of the few things they've let us do. Mind you, they've made us sit till midnight to be able to do this because they couldn't get all of their bills on in time and they rammed some more bills through.

Another member who's not here tonight is the member for Renfrew North. When we were in the committee—I sat on the committee with him—he had the same concerns about northern Ontario and rural Ontario where it's a little different for students to get home from school. Lots of them like to stay and play basketball and football. Now they're going to have to wait that extra time before they'll be able to get the licence to bring their sisters and brothers home.

The member for Bruce mentioned that when he went to school, and it was the same when I went to school, you could hitchhike. Now it's not quite that easy to do that and it's not as safe. Again I'm upset that they didn't look at those problems that we have in rural Ontario. They were brought to their attention many times in the committee, but unfortunately the committee, for some reason or not, just chose to ignore that. We will have to hope that in the regulations they will allow us some

leeway and maybe some exceptions can be made in the north and in rural Ontario.

In wrapping up, I just want to say that I'm glad I can support this bill. I do have some problems with it, and hopefully when the regulations come forward, they will listen to the people on this side of the House and look at some of the regulations that we may give them and implement them into the bill.

Mr Elston: I congratulate the member for Grey-Owen Sound. One of the things that is interesting and sort of helps me to supplement my own remarks, something I forgot to mention, is that one of the most dangerous things that occurs on any of the highways is weaving drivers. Those people have also got to be dealt with to make our roads safe for young people or all of us. Those people who kind of come in and go out of lanes of traffic like they're on some kind of a yo-yo string—

Hon Evelyn Gigantes (Minister of Housing): Photo-radar, that will stop them.

Mr Elston: No, no, the radar doesn't stop people who weave in and out, Madam Minister of Housing. It really has nothing to do with that. These people just cannot wait. They have to pass on the uphill grades. They have to weave in. They have to make people put on their brakes. They do all of the things that are bad driving and they very seldom, if ever, have accidents themselves, but they leave in their wake a whole series of bent fenders and bruised elbows and wrists and yelling other drivers. I myself have often said a few unhappy words when I've been cut off by those people who just are not courteous drivers.

Although the member from Grey did not mention this, I think driver training is a very big and good step forward. The member for Mississauga West mentioned it in his remarks on my speech about driver training. I mentioned my daughter is taking it. I think everybody ought to. In fact, driver training is the only way that this bill allows you to shorten the time period in which you can get your level 2 qualification.

I think for all of us, at the end of the day, traffic enforcement is going to be a bigger part of solving the problem of accidents, because not only are young people and novice drivers in accidents, but so are a lot of our very veteran drivers. Routinely, we must have enough people on the roads in all parts of this province to enforce the legislation, not just when it's convenient, not just when the Finance minister finds the dollars, but at times when it is critical, like every day of the week.

2040

Mr Arnott: I'm very pleased to rise and give credit to the member for Grey-Owen Sound for the commendable job he did this evening on the issue of graduated drivers' licences. As our party's rural transportation critic, he's done a very effective job putting forward the views of rural Ontario on this very important bill. I think we've heard from the Progressive Conservative Party during the course of this debate some very effective, positive and constructive suggestions put forward to the minister, and I hope he will give consideration to them.

The member for Grey-Owen Sound mentioned some-

thing that had been brought up earlier by the member for Simcoe East as well, and it's something that I completely concur with. When you look at many of the novice drivers, many of them are going to be aged 16 to 19, and of course, according to the laws of the province of Ontario, they're not allowed to drink. They're not allowed to consume alcohol, yet it appears that potentially for many novice drivers aged 16 to 19 years, provision in the bill suggests that the novice driver will have his or her licence immediately suspended for 12 hours if an analysis of his or her breath shows the presence of alcohol in his or her blood.

Mr Elston: It should be zero.

Mr Arnott: I agree with the member for Bruce wholeheartedly. It should be zero. It ought to be zero. Certainly, the provincial rules and regulations governing the use of alcohol say that you have to be 19 to do so.

I hope the minister will indeed be listening to what we've got to say on this bill and will give consideration to finding the time to make sure that the amendments that may come forward during the committee of the whole process will reflect some of these concerns.

Mr Sterling: I too would like to add my congratulations to the member for Grey-Owen Sound. One thing you can say about Bill Murdoch is that he always brings to this Legislature the view of his constituents when a bill which is going to affect many of them is brought to the fore.

I'll tell you, one thing that we in the Conservative caucus respect from Bill is that he's a straight shooter. He lets you know exactly what he's thinking. He lets you know exactly what his constituents are thinking, and I think that's what he's done tonight. I thank Bill for his honesty, his integrity and for bringing forward the views of his constituents on this bill.

The Acting Speaker: We can accommodate one final participant.

Mr David Johnson (Don Mills): I would like to add my congratulations as well to the member for Grey-Owen Sound. Actually, listening to the member brought back memories.

Mr Elston: AMO conventions.

Mr Mahoney: How about Good Roads?

Mr David Johnson: Good Roads, AMO conventions, but actually from my youth. It may be the opinion that I've always been an urban person, but that's not true.

Mr Elston: Urbane.

Mr Mahoney: Urbane.

Mr David Johnson: Urbane, urban, whatever.

Hon Mr Pouliot: Your friends will help you.

Mr David Johnson: I'm getting lots of help. In my youth, actually, I grew up in a rural setting and I can identify with the concerns that the member for Grey-Owen Sound is bringing forward. I must admit that the member has brought it forward in a very fair and even-handed manner. Coming from a rural setting, there are different sorts of concerns. There's the remoteness that has to be dealt with. For example, I can recall in my youth getting my licence at the age of 16.

Mr Mahoney: You've got a good memory.

Mr David Johnson: Yes, an excellent memory. It's been raised in terms of driving to university, for example. I needed a car to drive to university. I can recall driving as employment during my teens.

Interjection: A horse.

Mr David Johnson: I can recall driving not only a horse but a truck as well. These are factors of living in a rural community that I think we really need to deal with. It's a bit of a necessity for the young people to have this ability.

The member has brought this forward in a very fair and evenhanded manner. He's recognized the safety aspects, but he said, "Look, there are special considerations that we need to deal with through the regulations," and I hope the government listens very carefully to the member for Grey-Owen Sound.

The Acting Speaker: This completes questions or comments. The honourable member for Grey-Owen Sound has two minutes in response.

Mr Murdoch: First, I'd like to thank the member for Bruce for his kind words and tell him also that my daughter took a driver's training course at school. It's an excellent thing and I agree with it. Hopefully, my next daughter who's coming along in high school now will do the same thing. She'll have to wait a little longer before she gets her licence, but driver ed training is one of the best things they can take.

Also, I'd like to thank the members from Wellington, Carleton and Don Mills for their kind words and words of encouragement.

Mr Elston: We'll send them to Mike. We'll give a copy of Hansard to Mike.

Mr Murdoch: Thank you. I just want to thank them for their words of encouragement and hope that the minister is listening to what we have to say over here. I think he's heard it quite clearly from most of the members from the Liberals or the Conservatives about the rural issues and the northern issues, that there needs to be something looked at in this bill to accommodate the people who do come from different places other than Toronto or one of the big urban cities.

Hopefully, when the chance comes up, there's going to be some regulations put into this bill and I hope he listens to either the amendments that come from this side or some of his own people, that he can put these regulations into force that will help the people out. As we said before, there are some different instances which come in the country and in northern Ontario and they must look at these things so that the bill does become fair and not just a large urban bill. The main thing about this bill is the safety aspect and we all agree on that.

But we'd also have to be fair, and sometimes when bills are done in this House they're not fair to everyone and we have concerns about those. I do hope the minister is listening and I'm sure he is, because he's listened to us in the past. I just think he had a little trouble listening to the people who came to the committees, for some reason or other, and didn't implement them now.

Mr Minister, I hope you do listen and when we give you some changes, you'll look at them.

The Acting Speaker: Further participation in the debate? Seeing none, would the honourable Minister of Transportation have some words of wrapup?

Hon Mr Pouliot: A lot has been said at second reading of Bill 122. I noted, for I'm meticulous about time allocation, to ensure fairness—the system is flawless. I've made myself the guardian of the clock for our caucus over the years and I know, therefore, that one hour and one minute was the remaining time allocated to me as I sponsor this bill.

But suffice it to say, Mr Speaker, that you will recall the legislation was presented in draft form last May. A process had it directed to the resources committee, made up of members of all three parties in the House. What we see here today is the result of the unanimous deliberation and consent, their findings, their recommendations—unanimous, universal acquiescence at committee, saying, "What we see here is what the people want."

Long and hard, people have searched for balance, for equilibrium. How do we, as a Legislative Assembly as we honour the exception, if you wish, or the uncommon event of having unanimity, achieve that? The rights of individuals were raised, one after one; almost every member spoke about particular situations in their families, a true story from their riding, their special part of Ontario. People spoke from northern Ontario, the south-west, the southeast, the urban centres—that's what makes it challenging—asking that those individuals be incorporated, be represented, that those true stories be reflected in the bill, that people reading it would be able to recognize their circumstances themselves.

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The challenge of the assembly is to honour the rights of individuals and yet to legislate for the collective. It's called the art of the possible balance. The committee in its wisdom did recognize this. There was a lot of consultation. The report was unanimous one more time. Yes, there were changes. There was nothing etched in stone. Presenters came and told their stories and said, "I want to see it, for I believe in it." The police, women against drunk drivers, the insurance bureau, young people, people who are retired, people who spoke for those who no longer have a voice—they came from all over.

The committee went to meet them. They took time off work at their own expense and came to talk to the committee. They came from the southwest, talking about winter conditions, about une famille monoparentale. Ils ont dit au comité : «Regardez mes circonstances parce que je ne suis pas comme les autres et vous, vous avez la capacité juridique que je sois reconnue. Je suis femme. Je suis seule avec mon fils. Vous savez, chez nous, c'est différent.» They came from the near north and took us through the experience step by step of driving to the hockey rink. Then we moved to the farming community in southwestern Ontario and yet more examples. We travelled the province. In the final analysis, this is the product.

Last May there was a draft that was the beginning. The

committee travelled extensively, listened to everyone. That was the middle. There's a timetable associated with this. This assembly has the determination to make it reality. It also has the flexibility and the latitude, at a later date in the fullness of time, to acquiesce and to give credence should anything go wrong, to put the final nuts and bolts into place. It's called the evolutive process.

Ontarians have waited long enough. It was worth the wait. We're well on our way to making the roads of Ontario the safest in North America. This is a bit of a flagship in a program which is deliberate and systematic, where everything is studied with a focus, sometimes with passion but never with vengeance. This is a win-win situation.

In conclusion—I know there are other pressing matters that beg the House's attention—I want to thank all members of the Legislature, the members of the general public, the members at MTO, the family of people, 90% of Ontarians who see this as a step forward. I thank you for your attention, Mr Speaker.

The Acting Speaker: This concludes debate on second reading of Bill 122.

M. Pouliot has moved second reading of Bill 122. Is it the pleasure of the House that Mr Pouliot's motion carry? Carried.

Shall the bill be ordered for third reading?

Mr Elston: Committee of the whole.

The Acting Speaker: Committee of the whole.

INCOME TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
DE L'IMPÔT SUR LE REVENU

Resumption of the adjourned debate on the motion for second reading of Bill 31, An Act to amend the Income Tax Act / Projet de loi 31, Loi modifiant la Loi de l'impôt sur le revenu.

The Acting Speaker (Mr Noble Villeneuve): It is now the government's turn. Does anyone on the government side want to participate in debate? Are there any other members who wish to participate in the debate?

Mr W. Donald Cousens (Markham): When this government in its budget speech earlier this year tabled its budget for 1993-94, there wasn't anyone who wasn't surprised. They were surprised by a number of things. First of all, there was the size of the deficit that was being forecast. At one time in the history of Ontario, if we had ever talked of a deficit in excess of \$2 billion or \$3 billion, it would have been heresy of the first order. Now we're seeing a government that was trying to keep the deficit under \$10 billion. Yet if the government hadn't done other things, such as the social contract and the expenditure control plan, then the deficit could well have exceeded \$16 billion and \$17 billion; that was according to leaked figures from the Ministry of Finance.

When we got the budget, one of the ways in which the government was able to keep costs under control so that the budget would be under \$10 billion—by the way, it's not going to be under \$10 billion now; there isn't any doubt in those who are watching, because revenues are down, that this government will again see a budget far in excess of \$10 billion. But one of the key strategies this

government had was, first of all, to cut back on government spending through the expenditure control plan, which I supported. As hard as it was, some of those decisions just had to be made. Then the social contract, which would come along with another \$2 billion or so. We brought in 29 amendments to the social contract Bill 48. None of these amendments were accepted by the Ministry of Finance or Mr Rae's government and we ended up voting against the social contract, knowing it would bring tremendous problems to our province.

But the third issue, which we're really talking about tonight, is the government increasing additional revenue through taxation. If there's anything that offends the people of Ontario it's that we are already paying so much in taxes. The taxation level we are at now has reached unprecedented proportions for this province, the percentage of the money we make that goes to government. Indeed, that's what the purpose of Bill 31, An Act to amend the Income Tax Act, is all about.

It's a budget bill that implements the massive tax grab imposed by the government in its 1993 budget. While the bill also makes a number of technical changes to the tax act, it goes right to the very root of our existence, into the very depths of our pocketbook by increasing the provincial share of income taxes.

I have to commend our leader, Mr Harris, the member for Nipissing, and our caucus for the way in which we have tried to speak out on tax changes for a considerable period of time and have fought to freeze taxes—freeze taxes, because when you do that, it's going to have many positive benefits to the environment of business, to the economy as a whole.

But what we're seeing in this bill is that the Ontario provincial income tax rate is being increased from 55% of the base federal tax to 58%. These are just numbers until you start seeing the effect it has. The bill went from 55% to 58%, effective July 1, but the government wanted to have this effective for the whole year of 1993 so in fact it was retroactive to the beginning of January. Therefore, for the first six months of the tax being implemented, from July 1 through to the end of this year, it had gone to 61% of the federal tax.

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To me, there are so many things about this tax that offend, but what it really does more than any other single factor—and I have all the statistics which show the net impact it has. I can show you the data that show how provincial income tax rates have risen year after year after year and how maybe Ontario isn't the worst-off of all the provinces in Canada. But we used to brag about being one of the best-off. It was a prosperous place to live and do business, to raise your family. You'd have some money left over for other things.

Now what is happening is that this government is imposing a very, very heavy tax. The total cost of the taxes to the taxpayers that this government brought in, covering the wide range of services and the cost of insurance and other matters, is over \$2 billion, indeed one of the highest increases in taxation levels that our province had ever seen. The only person who ever exceeded them was Mr Bob Nixon, when he was Treasurer under

David Peterson. Till then, he had had the largest single tax hike in one announced budget of the Liberal government. That has now been exceeded by Mr Rae's government.

The high-income tax surcharge increase is essentially a wealth tax by any other name, and it's directed at highly skilled, highly mobile professional people and managers of the province, who need to compete effectively not only in the province but around the world. It's a punitive tax. It's one of the worst things you could be doing right now, removing money that people would otherwise have to invest either in business or in other things. Instead, it's going into the government coffers.

I will vote against this bill and I will continue to vote against any tax bill that is brought in by any government in the province of Ontario. We cannot continue to raise money through taxation. There are so many things that government must do before it continues to go for the easy route, to collect it out of our pocketbooks, out of our salaries.

Let us instead look to ways where the government can begin to save money. There has been little, if any, initiative taken by the NDP or the Liberals before them to cut back on government spending. It's as if we can continue to hire people, expand programs and put money into programs that cease to have benefit or value. We as a population feel the stress more now than ever before. It doesn't take long to realize that Ontario is suffering as a province. The people of this province are looking for leadership in a fiscal and financial way, where the government by example will find ways of reducing the amount of money it needs.

It's a tough time out there, even for the province. Revenues aren't increasing at the rate that government spending is. Therefore, the government has to contract, control, reduce spending, find every possible means to put the lid on the spending within this province. I don't know how to say it any other way.

It really means there isn't a program that shouldn't be subjected to a total and complete financial analysis and that there shouldn't be anyone who's working in the province without being certain that they're able to offer some value for their services rendered. We all have a need to look responsibly at every cent being spent by the province of Ontario. You have to realize that with the huge resources this province has, there's got to be billions of dollars that can be saved by the way we run the business of government that can then relieve the taxpayers from having to pay these hefty increases.

First of all, we're living beyond our means. Any time when you're spending so much in excess of what you're bringing in, with a \$10-billion deficit in the province—and it could be \$11 billion. With the fact that we're living so far beyond our means, we're hoping that future generations will be paying the taxes for our high living of today.

Instead, I challenge the government to analyse and assess the waste going on within this government, to understand that there are many things it can be doing to reduce costs and bring things in line. We've done a short assessment and have identified hundreds of millions of

dollars this government could save.

First, there's the \$200 million designed for programs to drive the private sector out of child care services. Can you believe it? Of that \$200 million, how many new child care places were created? Instead, the government has an agenda, a philosophy that New Democrats have. They believe so strongly that they can do things better than the private sector, so they're trying to drive the private sector out of people services and in that process have said, "One of those areas that we will do our best to remove the private sector from is the whole day care services business."

The Interim Waste Authority: You only have to live in York, Durham or Peel regions to know how terrible a botched-up job this government has done of trying to find landfill sites in the greater Toronto area. No government in North America has put together a task force, as this government has, to find landfill sites that are going to go on prime agricultural farm land.

They went through the stupidest of all programs looking at areas in the Rouge Valley or ones that drain into the headwaters of the Don, others that were on the Oak Ridges moraine. The three finalist sites are all on prime agricultural farm land, and the one in Maple in the city of Vaughan is on the headwaters of the Humber River.

How much does all this cost? The costs are in excess of \$50 million—\$50 million wasted because our party has agreed that, upon winning the next election, we will revoke Bill 143. So there is \$50 million of government money, plus the money that's been spent by private individuals, regional governments and municipalities to fight the process of the government of Ontario, so another \$50 million to \$60 million. How many more millions of dollars will be spent this year on the Interim Waste Authority?

We have no hope that the government will come up with a resolution to finding and establishing a landfill site before this government has to call another provincial election. At the time of that provincial election, we will do everything before then to make sure a shovel doesn't break the ground, and at that time we will be able to do something to come up with a long-term strategy which would look at rail-haul. We would hope there is a possibility of finding a happy host and that we could use rail. It could generate jobs.

But at least we will not have made a political decision that established the way in which we were going to solve our garbage problems. This government made political decisions; it didn't make technical decisions. But the cost of their political dumbness has again cost us a tremendous amount of money in what it's taken for the Interim Waste Authority to do its folly.

Then you see the NDP paying out a \$95-million grant to de Havilland as part of a \$350-million provincial aid package which didn't create a single new job. I'm delighted to see de Havilland doing well with its recent sale to Brazil in South America. I'm anxious to see that, but they were already established, they were already running. Was there any other way in which we could use \$95 million in provincial funds that could have found

other jobs? I'm not satisfied, but the government looked in all directions.

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The Fair Tax Commission has cost the taxpayers about \$3 million since it was created as a convenient way for the government to explain its failure to act on some of its more harebrained campaign commitments in tax reform. In all fairness to the taxpayer, the commission should be abolished, as the Treasurer has gone his own merry way on tax policy anyway. In the meantime, for this beautiful little Fair Tax Commission, \$3 million has been spent on its wanderings and on its dreamings.

You'll see so many examples where this government has gone along and spent money. According to the Ontario Secondary School Teachers' Federation, the government spent \$5 million to fund 64 destreaming pilot projects and another \$2.8 million on in-service training to implement the policy. We have warned the government on many occasions not to rush into this ill-advised program. It only adds confusion and expense to the educational system, whether or not destreaming is the perfect solution. To force its implementation, as we are within this year and next, and to not understand its total impact on the educational system, to remove some of the tests and the standards in the system, is meddling with a system that already needs to be looked at.

The government spent nearly \$1 million on its 800 line. How many people have phoned in on that? Dial 1-800, then NDP-CHAT. That's what it was called, their chat line. This propaganda scheme, very thinly disguised as a consultation service, was ultimately to cost the taxpayers about \$25 per call, another \$1 million.

What's a million dollars? It's the accumulation of a million dollars here and a million dollars there, and before you know it, you have the need to increase taxes.

Mr Kimble Sutherland (Oxford): What are we debating?

Mr Cousens: I'm talking about Bill 31. If the government had the sense to control its spending instead of digging into our pockets, trying to raise more money through taxation—that's the problem, and I think it's high time some of this was put on the record.

The New Democrats don't want to hear this; they'd rather just stay in the trough. You're not going to be in the trough much longer because you'll be out of government. Come 18 months from now, you'll all be out there looking for a job. I'll tell you, the people of Ontario are fed up with the way you have been spending money. It's our money, it's the taxpayers' money. There is an end to it; we won't pay any more.

Why is it that the NDP government had to spend \$4 million on bilingual highway signs in the Golden Horseshoe region?

Hon David Christopherson (Solicitor General and Minister of Correctional Services): Not that low, Don.

Interjections.

Mr Cousens: These people are awake this time of night, Mr Speaker, and that's just fine. I hope they'll find an opportunity at the appropriate time to speak.

I have to tell you that the people in my community cannot accept the way this government has spent so much money, some \$4 million, on highway signs in an area that is not all that bilingual. Where are the priorities? That's really what it's all about: establish some simple, straightforward priorities. The first priority as a government is trying to bring the costs of government down. Don't introduce crazy new programs that are going to spend more money and not really give us results for it.

All you have to do is accumulate the number of those circumstances and you have a situation where we are out of control fiscally and financially. We are moving towards a way of government that we cannot afford. The credit rating in the province is already seeing the first sign of lack of confidence since the Minister of Finance's budget, because people now recognize that although the government has had high-sounding words and phrases, although the government has said, "Oh, we're doing so many good things just to keep the budget under control at \$10 billion," the budget will exceed \$10 billion. You know that and we know that. That's another reason why the credit rating for the province of Ontario has been notched down and why the government of Ontario faces future reckonings with the credit rating firms, because there isn't the confidence, either in Ontario or outside Ontario, that this government is capable of running our business properly.

The Employment Equity Commission is at work, and it's another \$4 million for employment equity.

The government spent \$20 million to conduct an update assessment survey in Metro Toronto, even though the Bob Rae administration had at the time made a decision on its position on market value assessment in Metro. So \$20 million on MVA, and what do we get for it? A reversed decision.

In 1991, the NDP spent \$22 million on interest charges alone on the Ataritari project in Toronto. Our caucus—Mr Harris, Margaret Marland, our Housing critic, and others—has opposed the project as an expensive boondoggle from day one. When the cost estimates on the project escalated from \$444 million to over \$2 billion, the NDP finally pulled the plug. However, the government has now to come up with \$325 million to cover the windup costs.

The Workers' Compensation Board: I cannot begin, ever, to accept that this government would allow the WCB to build a fantastic new operation in downtown Toronto. They're spending \$180 million to construct a whole new tower for the WCB, and they will not even subject it to an investigation and an analysis by the standing committee on public accounts, where the NDP used its majority to thwart the opposition from having any kind of debate or discussion on it. What a coverup. This government is good at emasculating truth and honesty, because it has none. This government has brought in the WCB tower. They didn't even have the authority for all the decisions that were made.

Interjection.

Mr. Cousens: Are you going to shut him up, Mr Speaker, or is he going to take over the floor? I'm willing to put up with a certain amount of interference,

but if he's going to cackle away—

The Acting Speaker: Order. Shouting across the floor to members from either side is not productive at all. I realize it's getting late in the evening. Let's keep this on a high, productive plane. The member for Markham, please.

Mr. Cousens: Thank you, Mr Speaker. So the \$180 million for the WCB tower is money that didn't have to be spent, and the government has gone ahead and allowed it to be spent. Many of us will never see that pile of money in one place at any one time in our whole lifetime, yet at one time, with a flick of the pen, Odoardo Di Santo, the chairman of the Workers' Compensation Board, a former NDP member of the Legislature who is now chairman of the board, a political appointee by Mr Rae, has gone ahead and made a commitment for the WCB, which already has over a \$10-billion unfunded liability, and it's spending another \$180 million. By the time it's finished, it could well be \$200 million. Who knows?

The government doesn't need to spend that money at this time. They shouldn't spend the money, they should have reversed the decision, but instead they've gone ahead and allowed it to happen, and we and the people of Ontario have to pay for it through our taxes. That's part of the reason we're paying the taxes right now.

Mr. Sutherland: Don, how many crown corporations did the Tories set up?

Mr. Cousens: Mr Speaker, either you control him through the Chair or maybe we should put the honourable Sergeant at Arms on him. I'm making a number of points that have to be made. We in the province of Ontario disagree with this government's method not only of raising money through increased taxation but spending money it's already collected from us and money it hasn't collected.

These are examples of the atrocities of government spending. I call them atrocities because they're killing us. We can't take it any more. The people of this province are saying: "Please stop. Is there anything we can do to stop the NDP?" I have many people saying, "Why can't you fight them?" What can you do to fight them?

The government has removed our ability to speak in the Legislature by bringing in closure at just about every opportunity. They've restricted our opportunity to speak on bills. We're allowed up to half an hour after the first speaker, who gets an hour and a half, and that's it. They're able to ram through the crazy legislation they've got and there is so little we can do about it.

Because 37% of the population on September 6, 1990, voted for Bob Rae instead of the David Peterson government at the time, now you're the government. You have the opportunity to do things, but when you're doing them wrong, when you're violating common sense, when you are hurting the people as much as you are and causing the economy to be burdened—it's grinding to a halt. If you had some way of stimulating the economy, some way of bringing people back and saying, "Hey, we believe in the free enterprise system; we believe in a strong Ontario." Instead, what you see is a government, through

example after example—gross injustice in spending money.

Interjections.

Mr Cousens: The examples I have pointed out that have to do with workers' compensation or spending on different funds illustrate the total disregard that Bob Rae and his hacks have for honesty and integrity in running a fiscally responsible government. The fact that they can out-yell me is only because there are more of them here. It's because they have 70 seats and we have 21 in the Ontario PC caucus. But it won't stop us. The truth will stand.

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If you were to take a poll today of the people of Ontario who voted NDP back in 1990, many of them have tried to forget it and don't even admit it. It's hard to find people who voted for the NDP; they want to forget that day. The fact that they did, they're having to live with the consequences. You get the kind of government you deserve.

But we don't deserve the heavy taxation that is coming through to us now with this Bill 31. This is one of the worst bills that has ever been brought before this House, because have you ever before seen \$1 billion raised through such a quick method? What you're doing now by this kind of legislation, you are really giving a message to the people of Ontario. You're saying, "Hey, we're more important in government than you are in business, or you are if you're out making some money."

There isn't going to be money left over to invest back into other things, into buying stocks or buying retirement programs or investing in anything, investing in property or new homes, because the amount of money that's coming into the province of Ontario prohibits people from being able to go out there and do something with what's left over. They don't have anything left over. People have less money in their pockets today, they're working harder today than they've ever worked and they're giving more to these guys than they've ever given, and the money is being wasted—

Mr Tony Martin (Sault Ste Marie): On what?

Mr Cousens: It is being wasted on stupid programs, the \$1 billion of programs.

If I had had a chance to—

Interjections.

The Acting Speaker: Order, please. Order.

Mr Cousens: —through my pages, the examples that I have of utter government waste, such as the workers' compensation tower, such as the Carl Masters fund, such as the Ontario health card fraud, such as the Ontario Arts Council. The examples go on and on and on. Here is a government that has no sense of being in control. They don't understand what fairness and equity are. They talk fairness and equity, but they don't know what it is, because when it comes to true fairness, what you want to do is, at the end of the day, have it so that people who have worked hard, who have toiled, who have done their best to make society better, they're taxed to such an extent, retroactively—

Mr Sutherland: That's your idea of fairness, Pearson airport.

Mr Cousens: —you sleaze, you rotten bunch.

The Acting Speaker: Order, please. Order.

Mr Cousens: Don't ever think you're ever going to tell me. You have no respect for the House. You keep chattering away. I find you totally disrespectful of the House. Throw him out.

Mr Gordon Mills (Durham East): You're going to be thrown out.

The Acting Speaker: Order. All members are honourable members.

Mr Sean G. Conway (Renfrew North): And some of them are former ministers of the cloth.

The Acting Speaker: Order, please. The kind of debate that's going on right now is not conducive to anything productive. Members will have the opportunity of questioning or responding whenever the time comes. The member for Markham has the floor. I would suggest strongly that he address the Chair.

Mr Cousens: I really am offended. I think it's rotten. When I come into the House as an elected member from the town of Markham to be their representative and I get these people, the parliamentary assistant for Finance, interrupting and cutting away during my speech, I don't have a chance to get my thoughts or put them forward.

I think you show tremendous disregard for the people from my community. They want me to come into this House and speak, yet you with your mouth shout out, shout me down, interrupt me along the way. I find that totally reprehensible. I think if anyone owes an apology, you do; every one of you. But for you to interrupt me during my speech, and the Speaker at the other end for some reason hasn't shut you up, I'm saying I get sick of this stuff. You people, as NDP, think you know it all. I don't pretend that I know it all, but I know that I—

Interjections.

Mr Cousens: I don't, but at least I listen to you twits when you're talking. At least you can listen to this twit as I talk. It works both ways and you haven't done that. You come along and you have great fun. I'm telling you it's serious business. My riding and my people are mad and they want me to represent them, and you're not letting me. You are not. By your rude interruptions, you don't give me a chance to get my thoughts forth, and I find that totally repugnant. It's repugnant to the parliamentary process. You think it's funny; it isn't funny. My people in Markham are hurting and they want me to come down here and fight for them and you won't even let me fight. I think it's rotten.

Just go back and look at yourselves in the mirror, because when I look at you now, I don't like you. I don't like you because you're not letting me do my job as an MPP. I was elected to come down here. I'm fighting against Bill 31. I'll fight with everything I've got. But to say that you can come along and yell me down, shout me down and that's the way you're going to win, it is not the way you're going to win because I'm going to get out there and I'm going to fight you guys with everything

I've got. The people of our province will not tolerate the second-rate approach that you have to government. I'm saying you're misappropriating government funds. You can't lie to me. You can't put me down. I'll be yelling and screaming for a lot longer than you can because I'm right and you're wrong. The government is not going to stand on its merits on this stuff. We know where you're coming from. You have no sense of respect for people when you treat someone the way you have me tonight.

I think, Mr Speaker, it's a disgrace to this House that the Chair has not been able to control these members and give me a chance to speak, and I would ask that I have another 15 minutes to be able to finish my speech.

The Acting Speaker: To the member for Markham, is this a request for unanimous consent?

Mr Cousens: Yes, Mr Speaker.

The Acting Speaker: Do we have unanimous consent? No. The member's time is up and he does not have unanimous consent. Questions and/or comments.

Mr Sutherland: Mr Speaker, I do apologize for somewhat interrupting the member for Markham. Let me say, though, all of us know that the member for Markham has a good track record interrupting other members and causing public disturbances. I seem to remember seeing the member on television the day a certain announcement was made by a certain authority and he was causing a great disturbance that day. So his self-righteousness is a little hard to take.

We have heard Tories for the last three years talk about 42 years of wonderful management when they were in government, and then the member for Markham has the gall to get up and talk about the Workers' Compensation Board.

The Workers' Compensation Board is the organization that was set up, that they had 42 years to administer, to deal with the problems. What did they do? They let the unfunded liability grow and grow and grow. They didn't deal with the situation, they didn't manage the situation, yet they want to continue to put forward this revisionist history about how wonderful this province was managed for 42 years.

That's the problem. It wasn't managed for 42 years, it was just: "We'll just let it all go on its own and I'm sure everything will work out." That's why this government has to take action, has to start managing health care, has to start managing our education system, has to be making very strategic investments in telecommunications, in a lead investment fund, in worker ownership, all the things that should have been done under their 42 years of management but they didn't do. That's why we're in this financial mess, due to their lack of management and through the combination of their former friends up in Ottawa. You want to talk about hurting small business: How about the interest rate policy of the federal government for the last nine years under the federal Tories? That's done more to hurt business than anything in this country.

Mr David Johnson (Don Mills): I would like to congratulate the member for Markham who, under extreme duress I think, has brought a message that we

should be listening to.

It's really a shame that the government members are living in the past. The member is trying to point out real problems that we are facing today, and there really can be no debate that we're facing an extreme problem with the Workers' Compensation Board. We're looking at something in the vicinity of a \$12-billion unfunded liability. There is no doubt that we are looking at problems pertaining to waste within the health system. That's been brought to our attention by the auditor, that we're looking at fraud and waste in the welfare system.

The member for Markham is bringing forward valid problems, and what kind of response is he getting from the government? The government is saying: "Don't worry about the problems today. Think back what happened 10 years ago when the Conservatives were in power, and what did they do? Or think back to some other level of government, the federal government, and what did it do? But don't focus on the problems today; don't debate the problems today." That's what the member for Oxford is saying. That's what the members from the government are heckling and shouting across at him.

That isn't going to sell to the people of the province of Ontario. The people of Ontario are not too interested in what happened years ago and the problems that may or may not have happened back then. They're not too interested in what the federal government did a few years ago. They're interested in what are we going to do about the problems that we're facing today, and those are the problems that the member for Markham is attempting to bring forward and to explain to this House and to the people of Ontario—and I commend him for it—under extreme hardship conditions.

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Mr Murray J. Elston (Bruce): I know from time to time people can get animated, and I know my colleague Mr Cousens, the member for Markham, and I were elected together in 1981 and I served on committee. I think in most cases when he has extra notes to refer to he doesn't usually get so animated, because his message usually is quite clear. I think in this particular case everybody gets fed up from time to time with, as the member for Don Mills has just said, people pointing and pointing back or pointing sideways at other people who should be responsible for all of the ills.

The fact of the matter is, no matter how you cut it, no matter how things went 10 years ago, as the member for Don Mills said, or five years ago, as others have said, the problems are here today. The difficulty is that we can see ways in which the problems are becoming more difficult for the average citizen to deal with. There is a time now for people to stop pointing the fingers and get down to work and listen to some of the criticism.

While you may want to hoot and holler about all this stuff, it isn't helping a single person, whether they're in Markham, Don Mills or Bruce. The people need some relief. The people don't need to be told that they're going to be paying more taxes. They don't need to be told that there is another boondoggle that people are undertaking. That was the only real issue that the member for Markham, in my view, was trying to put across: that the

workers' compensation is a big issue; it is seen out there as a symbol of something gone awry. Whether I'm responsible, whether the member for Markham is responsible, or whether the member for Oxford is responsible, nobody out there cares. What they want to do is find somebody who's going to be responsible enough to put it right. That's our job around here.

Let's quit trying to kid everybody and saying it belongs to the federal Liberals or the federal Tories or the Progressive Conservatives from 10 years ago here in the province or the Liberals from five years ago or the New Democrats. It's our problem. Let's solve it.

The Acting Speaker: The member's time is up. We can accommodate one final participant.

Mr Chris Stockwell (Etobicoke West): I'd like to stand in defence of the member for Markham. I know first hand the kind of work and constituency work and people whom the member meets with. If there's a member who does take all this stuff more seriously maybe, but at least personally, it's the member for Markham. So when he does get irate at the members opposite, he does so because he understands what the people in this province are going through, as I think we all do to some degree, but more so for the member for Markham.

I was in his riding not long ago. It was absolutely astounding that he literally knows everyone. They tell him their problems and he takes the problems down to Queen's Park and he wants to present them to this government. I know first hand about the difficulty of presenting the concerns of one's constituents in a tax bill like Bill 31, or any of the issues we're dealing with, and having the members opposite talk about the GST or the free trade agreement or John Crow or the Conservative governments for 42 or 43 years in this province. It seems to me that there appear to be deals and problems and issues that we want to deal with today, and I think that's what the member for Markham is saying. I don't want to hear about John Crow or the GST or NAFTA. I don't want to hear about Bill Davis or Leslie Frost or George Drew. I want to hear about the issues today and your \$1.1-billion tax grab followed by a \$2-billion tax grab and how that is crippling the constituents and small business people in his riding in Markham. Who better to bring this issue forward than the member himself, who wants to deal with this issue and not be heckled down by a bunch of naysayers and finger-pointers calling themselves government?

If you don't want the responsibility of governing, I say to them, then call an election. If you can't control the issues, call an election. If you can't make a difference, call an election, because I know the member for Markham and I can.

The Acting Speaker: The member for Markham has two minutes in response.

Mr Cousens: I appreciate the comments from members. Certainly the members for Etobicoke West, Bruce and Don Mills have something of an understanding of what it is to be an opposition member at Queen's Park and know how difficult it is to get a point across when the people opposite have no appreciation at all of the points we're trying to make.

I think the member for Etobicoke West just makes an excellent point. We're not representing federal politics in this House, so understand that we're dealing with provincial government policies. The government of the day is not so sacred that it cannot be held up to some criticism and discussion. When we come along and delineate a series of points that show the government is spending far beyond its means and living in a deficit, which is only a deferred tax on future generations, we as responsible opposition members have a job to lay that on the table.

I accept the member for Oxford's apology. I appreciate the fact that he did apologize for his behaviour tonight. I have to say that it isn't fun if we break down into a shouting match. I have to believe that this place can be the proper forum for debate on all issues as they affect the people of the province of Ontario, and it's wrong that at any time someone should think we're not allowed that privilege. As long as we live within the rules of the Legislature, then we can do it.

We have major problems in the province of Ontario. The Workers' Compensation Board is one classic example of it, and the government has not faced up to it. It's an example that shows that. There's \$180 million. There are hundreds of others, millions of dollars where, if the government were to get its control around this spending, there would not be any need for Bill 31 and an additional tax hike.

Mr Sutherland: I won't take too long in summarizing. I just want to thank all those members who participated in the debate. I understand that not everyone is obviously happy with doing tax increases. Nobody enjoys paying more taxes. But the reality of the situation is that we're in a difficult financial situation and the government had to do several things to get a handle on the deficit so we could continue to invest in many services. Of course you remember what those things were. We had \$4 billion in savings under the expenditure control plan, \$2 billion under the social contract. On the other side, part of that is increases in income tax. That is allowing us to make significant investment in jobs, in training, in expanding non-profit housing etc. The dollars are being well spent, for the most part.

I just want to correct one of the things the member for Markham just said, because he left the impression that these tax increases are going to pay for the new Workers' Compensation Board building. That is just simply not the case, as the member for Markham knows.

With those brief comments, let me say that I believe the government will continue to be careful with spending and ensuring that the tax dollars are being spent wisely and in areas where they are needed to be spent in to get people back to work, to get people off social assistance and also to create a healthy economy so the revenues will come in without tax increases.

The Acting Speaker: Mr Sutherland has moved second reading of Bill 31. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I have in my hand correspondence to the Speaker of the Legislative Assembly:

"Pursuant to standing order 28(g), I request that the vote on the motion for second reading of Bill 31, An Act to amend the Income Tax Act, moved by the Honourable Floyd Laughren, be deferred until immediately preceding orders of the day on Tuesday, December 7, 1993."

This order therefore shall occur.

Mr Elston: Who signed it?

The Acting Speaker: Signed by the Honourable Fred Wilson, MPP, chief government whip.

2140

RESIDENTS' RIGHTS ACT, 1993
LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES IMMEUBLES D'HABITATION

Ms Gigantes moved second reading of the following bill:

Bill 120, An Act to amend certain statutes concerning residential property / Projet de loi 120, Loi modifiant certaines lois en ce qui concerne les immeubles d'habitation.

Hon Brian A. Charlton (Government House Leader): Just before we start the debate, there have been some discussions between myself and the opposition parties. I understand that after our leadoff the Liberal critic will do his leadoff response for an hour and a half. The Tory critic is not available, so their leadoff response will be stood down and we will go to a Tory for a half-hour rotation.

The Acting Speaker (Mr Noble Villeneuve): Do we have unanimous consent? Agreed.

Hon Evelyn Gigantes (Minister of Housing): I'm pleased to rise and move second reading of Bill 120, the residents' rights bill. The purpose of the bill is straightforward: It is to extend the protection of our tenancy laws to people who do not have that protection now. It is a bill about the rights of people who live in care homes and people who live in apartments in houses.

The plight of people who are living in unregulated care homes across Ontario has been a matter of great concern for a long time. I would like to take this chance to thank Dr Ernie Lightman for his very thorough investigation and his strong report about conditions of people living in care homes in Ontario.

There are about 47,000 people who live in care homes. They are mainly frail elderly people, former psychiatric patients, people with developmental difficulties and people who have physical disabilities. Because care homes provide a range of care and health services in addition to accommodation, they were not covered by the Landlord and Tenant Act, the Rent Control Act or the Rental Housing Protection Act.

In his report, Dr Lightman highlighted many forms of abuse: residents who were evicted at a moment's notice with their belongings stuffed into garbage bags, unsafe living conditions—

Mr Chris Stockwell (Etobicoke West): Because they don't pay their rent.

Hon Ms Gigantes: No, not just because they don't

pay their rent; at the whim of operators, in many cases—inadequate care, lack of privacy, sexual abuse and problems relating to health and personal safety.

The amendments that are proposed in this bill will extend to residents of care homes in Ontario the full protection of the Landlord and Tenant Act and the Rent Control Act and say, in effect, "No more harassment, no more abuse and no more garbage bag evictions."

The Rent Control Act will apply to the portion of the monthly charge which covers accommodation. Bill 120 will require care home operators to register their charges for care services, the rents they charge and the number of occupants in each unit with the rent registry. This, in turn, will increase the power of municipal and provincial inspectors to ensure that care homes meet provincial safety and maintenance standards, and it will also ensure that there will be an improvement in the overall living conditions for residents.

The amount paid for meals and care will not be covered by rent control. This charge will vary widely from home to home, from resident to resident and, from time to time, even with the same resident.

In addition, the Rent Control Act will now require that operators provide tenants with a detailed information package outlining what care services are being provided, at what price, when increases will occur and also describing the qualifications of staff. There will be a requirement of 90 days' notice prior to any increase in care service costs, which will be enforced through the Rent Control Act.

We will also monitor care service costs on an annual basis so that if they are seen to be rising dramatically, the act will be set up so that it can be changed to provide that there will be a control on charges for care services, through regulation under the act. In effect, while care costs per se will not be regulated, the Rent Control Act will provide significant consumer protection and empowerment in the area of care.

Our proposed amendments to the Rental Housing Protection Act will prevent the demolition or conversion of a care home without the approval of a municipality.

These changes reflect the key recommendations of Dr Ernie Lightman's report. They are also changes which tenant advocates and organizations representing senior citizens, people with disabilities and mental health consumers have vigorously advocated and supported for quite some time. They represent protection for care home residents, protection which recognizes individuals as equal and participating members in society. The approach that's being used is consistent with the steps that we're taking in the long-term care redirection towards community-based care and deinstitutionalization.

The second part of the bill provides proposed amendments to the Planning Act and the Municipal Act which address another set of problems, problems faced by tenants living in apartments in private houses, and in some cases by owners of such apartments. These apartments in houses are now illegal in most parts of Ontario, due to municipal zoning bylaws. As a result, people living in them can't complain to their municipality about

unsafe or unhealthy housing conditions without risking eviction, and owners are not encouraged to bring apartments up to standard when they won't be recognized as legal units.

The amendments proposed to address this situation are designed to do four things.

First, the changes will enable home owners living in detached, semidetached or row houses to create one apartment unit in their house. The unit must, of course, meet reasonable health and safety standards.

Second, the legislation will improve municipal investigation and enforcement powers. It will make it easier for municipalities to get a search warrant to investigate possible violations of property standards bylaws for all accommodations, including apartments in houses.

Third, the legislation will give interested municipalities the flexibility to enter into agreements with home owners who want to install garden suites or what we commonly call granny flats on their property. These are the small, portable, self-contained units which home owners can install, usually in their back or side yard.

Fourth, the legislation will make it clear that for zoning purposes unrelated people who share a living accommodation in a single residential unit will be treated the same as other households.

These amendments are not a made-in-Toronto solution to a Toronto problem. Of the estimated 100,000 illegal apartments in houses in Ontario today, at least 50,000 are outside Metro Toronto. For example, we know that there are about 1,500 units in Thunder Bay which are illegal, about 1,500 units in London which are illegal and about 10,000 in Hamilton which are illegal. Everybody who's ever canvassed a door for the heart fund has seen apartments which they know to be below health and safety standards. This legislation will have very significant benefits for a lot of people: tenants, the economy, home owners in the province, municipalities and taxpayers.

2150

If I could speak first to the economic benefits, we have to rebuild Ontario's economy through job creation, and at the same time we need to increase the supply of affordable housing in the province. This legislation will support both these goals. As home owners bring existing units up to standard or create new units, this construction and renovation work will generate much-needed jobs for small contractors, for carpenters and other trades people, and for people working in the building and home supply sector.

Equally important, we'll be increasing Ontario's supply of affordable housing, at little cost to the taxpayer, by making it legal for home owners to have a rental apartment in the house. The proposed amendments will support home ownership. Rental income can help ease the financial burden of home ownership for seniors and for others living on fixed incomes or living alone. For many people, this can make the difference between being able to stay in their own home, in their own neighbourhoods, or having to move or depend on social services.

The rental income from an apartment in the house can often be the little extra income that many people need to

cover mortgage payments, to move from renting to home ownership. Garden suites are a solution for many seniors who, as they grow older, find it difficult for various reasons to cope with a large home. It can also help others, such as people with disabilities, live independently with a little support close by.

We're not proposing to legalize garden suites everywhere. Instead, what we are proposing will give municipalities the tools they feel they need to approve garden suites on a case-by-case basis. Municipalities will be able to enter into agreements with home owners to regulate the installation, maintenance and duration of use of these units.

There are clear benefits from this legislation for tenants living in apartments and houses. When apartments and houses exist legally, tenants can complain to their municipality about unsatisfactory housing conditions without risking eviction. They can exercise their full rights as tenants, and municipal officials will be in a better position to make sure that apartments in houses are safe for the people who live in them.

There are benefits for municipalities. The amendments will strengthen municipalities' powers to enforce their property standards bylaws. In applying for a search warrant to investigate property standards violations, municipal officials will not longer have to indicate physical evidence to be ceased.

This initiative reflects a lot of public input. The ministries of Municipal Affairs and Housing received over 1,300 briefs and staff from the two ministries met with more than 60 groups. My colleague the Minister of Municipal Affairs and I also met with councillors from Windsor, London, Stratford, Hamilton, Sudbury, Thunder Bay, Etobicoke, Whitby, Kingston and the GTA mayors, and of course I talked to council members in the area of Ottawa-Carleton.

We met with executives from the Association of Municipalities of Ontario. We also met with technical associations like the Ontario Building Officials Association and with housing advocacy groups. We listened to what people told us during the consultations and we made some significant changes to the draft legislation which had originally been put forward as Bill 90 last June, a year ago.

For one thing, the amendments we're proposing would exclude houses served by private septic systems. Municipalities would not be required to allow home owners to put an additional unit in the house in such cases. The amendments here, in Bill 120, do not cover building and fire code standards. New building code standards for houses with apartments were approved after consultation with building officials. On the other side, work is still under way in consultation with the fire marshal's office to revise the fire code. So we've eliminated those sections from the bill.

I want to emphasize that the changes we're proposing are not an unconditional amnesty for existing illegal apartment units in houses.

Interjections.

Hon Ms Gigantes: If you'd listen more carefully,

you'd understand. To be legal, such an apartment will have to comply with the fire code and with municipal bylaws that set out property standards.

This legislation will resolve an issue that has been with us for a long time. It will take us a step closer towards balancing the rights of tenants, landlords and local communities. It will mean more jobs and it will mean more affordable, healthier, safer rental housing for Ontarians to live in. In fact, the people of Ontario recognize—

Mr Stockwell: More jobs? Get a grip. Come on. You clip your toenails, you create jobs. God, she clips her nails, she creates a job. Someone has got to cart it to a dump.

The Speaker (Hon David Warner): Order, the member for Etobicoke West.

Hon Ms Gigantes: I'm just coming to the part he wants to hear. The member for Etobicoke West will want to hear that an Environics poll last year found that 70% of Ontarians favour allowing apartments in houses.

In closing, I'd like to underline the valuable contribution of Dr Ernie Lightman to this legislation. He has fought long and hard for the changes to improve conditions for people living in care homes. I'd like to thank him for the excellence of his work and for his dedication to the task.

I'd also like to thank community organizations such as the Ontario Coalition of Senior Citizens' Organizations, the Advocacy Resource Centre for the Handicapped, the Coalition for the Protection of Roomers and Boarders and the Inclusive Neighbourhoods Campaign for their contribution and for their compassion.

This is a bill about residents' rights. It's not only about an idea whose time has come. It's about an idea whose time is long overdue.

The Speaker: I thank the Minister of Housing for starting the debate—

Mr Gordon Mills (Durham East): Is the member doing nothing for me?

The Speaker: The member for Durham East, please come to order. I invite any questions and/or comments.

Mr James J. Bradley (St Catharines): I would like to speak actually at some length on this bill, but I should take the opportunity to address some of the remarks the minister has made.

First of all, it's quite obvious that the minister has not consulted widely with municipalities, because she would find that the majority of municipalities that I would talk to would be very much opposed to this legislation as it is constituted. AMO, the Association of Municipalities of Ontario, must have great concerns about it, because it invites an awful lot of problems.

As one who sat on a municipal council for a number of years, the level which is reputed to be the closest to the people in the neighbourhoods, I can assure the minister—

Mr Sean G. Conway (Renfrew North): You were close to the people. There wasn't a pothole that you didn't personally examine.

Mr Bradley: The member for Renfrew North interjects, and it takes me somewhere else.

The member used to work for—this fits in actually with the response—the CBC at one time. I was wondering if she would intervene with the CBC to ask them why they didn't give the results of the by-election on Thursday night. I'm not trying to be flippant with the government. I listened to the CBC on Thursday night and I listened on Friday morning and I could not find the results of the by-election. I knew it would likely be a moral victory for the NDP somehow, but I did not get the results out of the CBC. You know how I listen to the CBC. But the people who work there certainly could not be accused of being Liberals or Conservatives, certainly the people whom I listen to.

Mr Stockwell: I got them on CFRB.

Mr Bradley: CFRB got them. Anyway, the Speaker is very tolerant this evening.

I simply want to say that if you go to the individual municipalities, I don't know the situation in Metropolitan Toronto, but I can tell you that in a municipality such as mine this legislation is not going to be well received. I think you'll be receiving representations from St Catharines city council and others who will be expressing their concerns about the provisions of this legislation.

2200

Mr Stockwell: I take this opportunity to speak quickly, and I will speak at length to this. I find this a complete intrusion, an intrusion into a duly elected level of government, which is the local level of government. The people in the local level of government would tell you that this is a poorly conceived—the basement apartment particularly—ill-planned piece of legislation. Right now, in municipalities across this province, I defy you to find 5% of basement apartments that would conform to existing bylaws.

Why they don't conform is because their ceilings are too low; there is only one entrance and exit—it's the same one—they don't have enough window space etc. I'll tell you right now, this bill will be chastised the first time we have a basement apartment fire and people will perish in there, because it will be a legal basement apartment, because this government decided to intrude into local responsibilities.

They've handled the problem well for the last 100 years. They haven't gone hugely into debt. They've got some pretty happy people there. They seem to be holding their tax sights to a 0% increase. In the city of Toronto they have trouble getting emergency vehicles down roads today. If you put basement apartments in a lot of those roads, where are the cars going to park? You won't get fire trucks or ambulances down there. They have enough difficulty as it is today trying to manage the difficulties they're faced with, with the present-day number of people who live in the residential neighbourhoods. They were never designed for basement apartments, for multi-dwelling units. AMO doesn't like it, local councils don't like it, local officials don't like it and neighbourhoods won't like it. As usual, that means that if all of them don't like it, these people will love it.

Mr George Mammoliti (Yorkview): Well, I like it. Quite frankly, I can't understand the argument of the member for Etobicoke. On the one hand, he talks about parking and grass-cutting and the stuff that pertains to the cities and the municipalities. On the other hand, he says that the province here is—

Interjections.

Mr Mammoliti: Mr Speaker, I can't hear.

The Speaker: Order.

Mr Mammoliti: On the other hand, he's saying that the province is butting its nose in where it doesn't belong, into a municipality. What about changing the bylaws for parked cars? Why don't the municipalities do that? In my particular community, that's a problem. We've been after the municipality for ages to change the bylaws around that and it hasn't done it.

Mr Stockwell: What are they doing to do, park two cars in one spot?

The Speaker: Order, the member for Etobicoke West.

Mr Mammoliti: I like the bill for a number of reasons. I like the bill in particular, and I commend the minister, for dealing with an issue that has been dear to our hearts in our family, and that's seniors' care. Seniors' care, for my particular family, is very important.

Interjections.

Mr Mammoliti: Mr Speaker, I can't hear. The member for Etobicoke West keeps babbling on. I can't even hear myself, for crying out loud. I hope you tack on another 30 seconds.

The Speaker: Address the comments to the Chair; that'd be very helpful. The member for Etobicoke West had his two minutes. The member for Yorkview has the floor.

Mr Mammoliti: Again, we have a grandmother in my particular family, my grandmother, in a home. This, to us, means a lot. It means a lot because my particular grandmother, who suffers from Alzheimer's, has in my opinion been treated unfairly in the past. I think that if you talk about others and other families, they would say the same thing. When there are increases in those particular homes, it is in a lot of cases, very, very unfortunate because seniors can't afford it.

The Speaker: The member's time has expired.

Mr Mammoliti: It has expired, Mr Speaker, because of the member for Etobicoke West.

The Speaker: Further questions and/or comments?

Mr David Johnson (Don Mills): The minister has indicated that there has been discussion with municipalities and with the Association of Municipalities of Ontario in particular. I have in my hand a press release from the association. I grant you that this press release is about a year old, but I talked with representatives from the association today. Their feelings today are the same as when they were expressed in this press release.

What they said was, "Most municipalities have now received the province's consultation paper." This is with regard to apartments and houses. "Many have expressed great concern that the consultation paper has been released during the summer months and that there is only

a two-month period for submission of responses, yet the draft legislation has many far-reaching implications. Municipalities are concerned that no public consultation on the paper has been organized. The province also appears to be avoiding public discussion on this issue and does not intend to consult widely on the issues."

This is the feeling of the municipalities of Ontario. They have many concerns about this, including the province running roughshod over the planning process in Ontario and that there has not been a consultation with the municipalities. I think you should respond to that in your comments.

The other question I find of interest, and this has been raised over and over again, is that this legislation will create jobs. What's going to happen is that many poor home owners are going to be faced with the fact that their basement apartment will not comply. Perhaps the ceiling height will not be adequate. They're going to be faced with the proposition of a very expensive repair—I assume that's how jobs are created—or with elimination of the basement apartment. Guess which one they're going to choose.

The Speaker: The Minister of Housing has up to two minutes for her reply.

Hon Ms Gigantes: The member for St Catharines should note—

Mr Robert Frankford (Scarborough East): But they're illegal now.

Mr Bill Murdoch (Grey-Owen Sound): They are going to be illegal after you do it too.

Mr Mammoliti: Well, what do you want—

The Speaker: Order. The member for Grey-Owen Sound and the member for Yorkview.

Hon Ms Gigantes: —that while I said we consulted municipalities, I never said that I expected municipalities to rush forward—

Interjections.

The Speaker: Would the minister take her seat.

Mr Mammoliti: At least they'll be controlled. Are they controlled now?

The Speaker: I ask the member for Yorkview to come to order.

Mr Mammoliti: No, they're not.

The Speaker: I caution the member for Yorkview that if he continues to be a cause of disorder, he will be named.

Would you reset the clock, two minutes.

Hon Ms Gigantes: That's very kind of you, Mr Speaker.

I wanted first of all to draw to the attention of the member for St Catharines the fact that I never suggested in anything I said that I expected municipal organizations, whether it be municipalities singularly or municipalities en masse through AMO, to leap with delight about this bill as it affects apartments in houses.

The reason for that I think is quite simple: The people who like having single-family zones and who live in them and want to keep them that way tend to vote at a

higher rate than other people in municipalities. That's a matter of fact. Therefore, when municipal councillors come to deal with this question, they find it very difficult to get accord in such neighbourhoods. Therefore, I think it really is a responsibility of the provincial government to say that what we're looking for here is some sense at the provincial level that we will take the responsibility and we will say that each home owner has the right.

I was amazed to hear the member for Etobicoke West talk about intrusion into the local level of government. Let me ask him, what does it mean when a municipal government intrudes into the very home of the citizen and says, "No, you may not place an apartment there"?

You're suggesting that in fact we're going to have difficulties making sure that apartments meet standards. There are 100,000 illegal apartments now which don't meet standards, precisely because they've been created in a black market. We are regularizing a black market and saying to landlords of apartments which don't meet standards, "Come forward, meet the standards; the zoning is not going to be your problem," and we're saying to new, would-be landlords, "Apply for a building permit and get a good, safe and healthy apartment in your house."

The Speaker: The minister's time has expired. I invite further debate.

Mr Joseph Cordiano (Lawrence): I would like to ask members to recognize our ability to split the time that has been allocated for this on the leadoff. I would like to reserve some time for my colleague the member for Mississauga West by prior agreement of all three parties.

The Speaker: The member for Lawrence poses a new question to the House. The earlier agreement was that the opposition would have one hour and a half for one speaker. Is it agreed that the hour and a half may be split between two members of the official opposition? Agreed. So ordered. The member for Lawrence has the floor.

2210

Mr Cordiano: Let me start off saying that the first difficulty in dealing with this item before the House, Bill 120, is the very fact that this bill encompasses two very separate initiatives—

Interjections.

The Speaker: Order. Would the member for Lawrence take his seat. Would you stop the clock, please. If the member for Etobicoke West and the member for Yorkview would like to have a discussion, perhaps they could carry it on outside the chamber. The member for Lawrence is recognized to have the floor. Please allow him the opportunity to make his remarks.

Mr Cordiano: Thank you, Mr Speaker. As I was saying before I was interrupted, there are two separate initiatives that are being dealt with in this omnibus piece of legislation, two very separate and different initiatives which I have a great deal of difficulty accepting have to be dealt with in the same piece of legislation. It stretches the imagination quite some way to think that these pieces of legislation have to be dealt with together.

I understand the government's motives. They want to make sure that their legislation passes and therefore they're lumping things together, throwing it into the same

basket and saying: "They're entirely the same. The themes are the same. This is a residents' rights bill."

I can tell you, Mr Speaker, these are not related matters in every aspect. There are some very crucial questions about these two bills which I think ought to be dealt with separately. Although I support some of the initiatives that have been undertaken by Dr Lightman in his recommendations and some of the initiatives that have been encompassed in Bill 120, I find it difficult to accept the latter part of the bill that deals with basement apartments.

It stretches the imagination, as I said, to be able to deal with both. I'm sure this was entirely the intent of the government, to ensure that it was rather difficult for members to agree with one part of the bill, disagree with another part of the bill, and have to make a very difficult decision about voting on the entire bill, whether yea or nay. I'll tell you, Mr Speaker, this is not a style of governance which should be acceptable in the future. I hope we're not going to continue to see this type of initiative by the government, because I think it's rather undemocratic and rather unfair.

Let me get on with the matter at hand and try to separate these two initiatives, as they should be and as they ought to have been entitled; two separate pieces of legislation.

Before I do that, I want to ask the minister, because I heard in her remarks that part of this bill will result in job creation, if there was real intent to create jobs, then why have you not extended the Ontario home ownership savings plan? Therein lies a real opportunity to create more jobs and to create private sector jobs. If the minister were interested in creating real jobs she would have extended OHOSP, which was working quite well; hundreds of thousands of people in Ontario have taken advantage of that program, and the minister should have extended that program. As she sits there today, she should be working out details on how to extend the program if she really wanted to create jobs in the private sector. For the life of me, I cannot understand. It's such a simple conclusion to come to, to extend the very successful OHOSP program, which would have been easy for this government.

This government has done very little in terms of private sector initiation, in terms of creating incentives for the private sector, one of which was OHOSP, giving people who are starting out an opportunity to own their own homes. It's a very simple program. It's been done before—it wasn't original—but it proved to be a real success, as it was in the past.

I understand that government funds are limited. I understand that fiscal pressures are the reality for everyone. But when we're spending close to \$1.2 billion by 1995-96 in subsidy levels for non-profit housing—that will be out of control by the time 1995-96 comes.

I hope the minister took account of the report I tabled today on non-profit housing, a report of the standing committee on public accounts, which I think went some way to addressing the difficulties, the waste and inefficiencies that have been wrought by this government. I think the ministry was responsive to the committee's

initiatives and I know the ministry will move forward on some of the recommendations. I would hope the minister encourages the ministry to move forward on some of the recommendations.

Mr Tim Murphy (St George-St David): It was an all-party committee.

Mr Cordiano: That's right, it was an all-party committee. Members of her governing party also supported the bill and provided some very valuable input into the recommendations. I would say to the minister, support the bureaucrats, because I think they have a willingness to see to it that there is less waste and less inefficiency with the non-profit program. It is an important program, a program we support, which we very much want to see succeed in the future, but we want the program to meet the real need out there.

And we don't want the non-profit program to replace the private sector. Remember the private sector, Minister, the private sector that creates jobs? Remember? That's the sector of the economy that is failing, that this government has wreaked havoc on. If the minister got serious about waste and inefficiency, then I could stand up in the House and say, "Good job, Minister; good job, government," but I'm afraid I'm not going to be able to do that for the foreseeable future. Certainly not until after the next election would I be able to stand up and say, "That was a long memory in the past, but we'll deal with these problems and have all these messes to clean up."

With regard to the non-profit program, as I put it to the minister one day when I asked her this question in the House, do not jeopardize, Minister, because that is your obligation, that is your responsibility, that is the burden you carry. I think we've reached the point where the good people in the province who supported the initiatives under the non-profit housing program, very sensitive, reasonable people who supported the non-profit housing program that was designed to meet the need for those people who could not find housing otherwise—I say to the minister that you have jeopardized the goodwill of those people. Get that train back on the track, and this is a way to do it.

I would say to the minister again, do not exclude the private sector from what is going on in housing today. The fact that you're legalizing basement apartments may or may not result in very many jobs being created. I guess there will be some, but I have to also remind the minister that when this government introduced the Rent Control Act and made it retroactive, it destroyed literally thousands of jobs in the renovation business that were, as a result of measures undertaken by our government, leading to the restoration and refurbishment of many buildings across the province. In my own riding there was a great deal of work being carried on by those in the renovation business, many hundreds of workers in my riding who were then unemployed by the Rent Control Act, leading to a morass of red tape and bureaucracy.

This government's policies on housing have led to a real destruction of the housing sector for private industry. They've moved out of it and they're having a difficult time. People are still having a hard time getting into the housing sector, even though it's become more affordable.

Let me get on with response to the Lightman report, because this piece of legislation deals with five existing pieces of legislation: the Landlord and Tenant Act, the Rental Control Act, the Rental Housing Protection Act, the Planning Act and the Municipal Act. I'm going to address aspects of the bill as they relate to those acts. It's important because there is one essential component in the bill which fails to deal with what I think will be a very difficult problem and a concern, making this bill not as straightforward as the minister would like to make it out to be.

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Quite frankly, under the Landlord and Tenant Act, amendments to it will now apply to residential premises occupied for the purposes of receiving care. This is important because the exemption did exist in the Landlord and Tenant Act to exempt residential premises that were there for the purpose of applying therapy and rehabilitation, and that was limited. Of course, under the new amendments, that will no longer be the case and care will not be a reason to be excluded from the Landlord and Tenant Act.

I say that because charges for care services and meals will not be included in the definition of "rent" under the LTA. Yes, that's understood, but there will be a requirement for landlords to register those care charges with the rent registry. This, to me, smacks of the heavy-handed approach that's being taken by the government.

If this government is truly not interested in dealing with the care portion of the bill and not really monitoring that portion, leaving it out of consideration—

Hon Ms Gigantes: We're going to be monitoring.

Mr Cordiano: I say to the minister—she says that they're going to be interested in monitoring charges for care—explain to me, how is it that you're going to be able to monitor charges for care by the rent registry? People who are trained to deal with rent legislation are now going to be empowered to deal with charges for care services, which they have no knowledge of, quite frankly, and they're going to be required to pass judgement on those services. Yes, there's a registration of that, but what's to come next, after you have this log of care charges and you can then historically look back at what's taking place?

If this government deems it necessary in the future that somehow these charges are exceeding what it thinks is acceptable—

Hon Ms Gigantes: You've got it.

Mr Cordiano: —then it's going to come in—and the minister is accepting wholeheartedly what I'm saying. Then she's going to come in on her horse and say: "This is not acceptable. I'm going to champion the cause for care charges." I say to you, Minister, that's unacceptable. That is totally unacceptable.

Interjection.

Mr Cordiano: Yes, it is, because there is no way you're going to convince me that the people who are monitoring the rent registry have the ability to know that charges are acceptable or reasonable. I'd like to know how, in the Ministry of Housing, you're going to be able

to make that argument, and that convincing argument, that care charges will in fact—

Hon Ms Gigantes: We'll work at it.

Mr Cordiano: I say, I think it's totally inappropriate. You don't have the expertise in the Ministry of Housing to deal with care and service charges. It concerns me a great deal because, again, it's the heavy-handed approach of this government that sees its way to legislation that makes the real world much, much more complicated than it should have to be, than it ought to be.

The other concern that we have, and I think this was a very legitimate concern which Lightman himself suggested not be included in the provisions that have been brought forward by the minister, has to do with eviction. There may be legitimate instances in which a resident of a retirement home must be moved from the home, circumstances under which the individual poses a risk to other residents. It would appear that such a relocation may not be easily done under the Landlord and Tenant Act, and I think it's quite clear that it's rather difficult given what's in the Landlord and Tenant Act.

I say that under Mr Lightman's report, he also recognized the need for temporary relocations and recommended that there be a fast-track mechanism for the speedy discharge of individuals posing serious harm to other residents.

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: At the moment, there are six NDP members in this House and we do not have a quorum.

The Speaker: Would the clerk count to determine if a quorum is present in the chamber.

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Speaker: The member for Lawrence may resume his address to the House.

Mr Cordiano: As I was saying, with regard to this section, Bill 120 doesn't speak to this matter. It leaves inadequate mechanisms. There are no adequate mechanisms for removing individuals who pose a risk to others. I think that's an important fact in the exclusions under the Landlord and Tenant Act.

The other item is with respect to respite care. There have been concerns raised about the application of the Landlord and Tenant Act to rest and retirement homes that have contracts with local hospitals to care for people for short periods. It's not clear how the Landlord and Tenant Act will apply to respite care situations, for example, cancer patients from out of town receiving chemotherapy who happen to come in and need that type of short-term respite care.

As well, one of the other big concerns around Bill 120 is with respect to emergency situations. I have to ask the government how it intends to deal with the 24-hour notice provision currently in the Landlord and Tenant Act. The blanket application of the Landlord and Tenant

Act to rest homes is really quite dangerous since it may prevent staff from providing care to residents in an emergency situation. There's nothing in the bill to indicate that the government has recognized this very serious problem, the impact this will have on care of residents or how to deal with it. I believe the special requirements of rest and retirement homes must really be taken seriously in the application of the Landlord and Tenant act.

I say to the minister, this is an area that I think you need to address, and I hope we can address this matter in committee. I hope she will not turn her attention away from this, because emergency care situations, as has been put forward by the Ontario Long Term Residential Care Association, are of major concern to them. The minister has said that she has consulted broadly. Well, this is certainly an area that she's overlooked. I hope she takes this quite seriously when we're in committee, because it is certainly a serious matter.

I know the member for Yorkview would not want his grandmother not to receive emergency care when an emergency situation arises. I certainly would not want to have my grandmother in a hospital and not have those who provide that kind of care being able to enter the premises without going through the hoops and loops which are required in the Landlord and Tenant Act, the notice provisions. I think that needs to be addressed. It's quite a serious matter, I say to the minister.

I mentioned the fact that under the Rent Control Act, the regulation of price increases will now apply to the accommodation portion of the charges, receiving notices of rent increases, and increases will be subject to an annual guideline. That's understood under the Rent Control Act. Quite frankly, I don't have too much of a disagreement with that, although I would say again that the care provisions are going to be problematic. I would just say to the minister again that if there is no intention to regulate, as the minister has indicated, that if at some future date the charges for care become onerous in her opinion, and I would like a further elaboration on this, would that be a minister's prerogative? Would that be left to regulations in the bill? Is that something that is to be spelled out later? Would the minister be able to act on it by regulation? That concerns me because I think that is something that needs full airing, and in committee I will be looking for amendments to that section of the bill and, in fact, probably proposing amendments to that section of the bill.

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It is also conceivable that under Bill 120 a care home resident could continue to pay for accommodation charges while refusing to pay for care charges. As has been pointed out, in such an instance the landlord, the care provider or the operator of the care home would not have the opportunity to evict a tenant if they failed to pay for their care charges. I have some concern with that because this could go on in perpetuity.

Hon Ms Gigantes: It is a breach of contract.

Mr Cordiano: The minister says "breach of contract." I would like to see further details of that as well in committee because I'm not satisfied that you're not

leaving these homes with a difficult situation on their hands in perpetuity, as I said. Certainly, that needs to be tightened, that needs to be looked at very carefully, because otherwise I might think that this government is ideologically motivated once again, as it has been in other areas.

Hon Ms Gigantes: Foul.

Mr Cordiano: It's not foul, Minister. I say there's ample evidence to suggest that what you've done in the past has been foul, very foul, particularly with regard to the whole sector of child care and what you've done to private industry in child care.

There was certainly an effort on the part of this government to undo the private sector with regard to the provision of child care services. In an era where all governments are looking for additional dollars, you are once again looking to undo the private sector in an industry where the private sector has been fulfilling a need that's there and will continue to be there in greater demand in the future, I would say. I shudder to think what future governments will have to deal with if in fact the minister, as I suspect, in a very short period of time will under the care provisions find it necessary to bring those under rent control or to bring them under some other formulation of a bureaucratic initiative.

Once again, it would be very shameful indeed to have Bill 120 result in the demise of the private sector in this area. Quite frankly, although there are some bad operators, as there are in every area, as there are in every field of endeavour, it would be shameful to destroy an entire industry, an industry which we cannot replace. You simply do not have enough resources to replace this industry.

I say to the minister, I'm looking forward to committee hearings because there are going to be a number of areas that I think you're going to have difficulty with, and this is not an issue that will go away rather quickly. There are a number of people concerned about care charges and how you handle that section on emergency situations.

To deal with the latter section of the bill on basement apartments, again we see the heavy hand of this government, which has blinders on to local initiative. Local planning has totally been ignored once again by this government. The minister says, "We're about to take action because local municipalities do not take action." I say to the minister that under the policy we introduced on intensification, when we were the government, there were numerous municipalities that brought in a variety of measures under those provisions, under that policy. In fact, some 90 municipalities had complied with the policies of the previous government under intensification rules.

Hon Ms Gigantes: Not on this bill.

Mr Cordiano: Yes indeed, and quite frankly I don't see how the minister can justify these initiatives with regard to smaller communities. She points to Toronto, and in fact Toronto may be an appropriate place to have this type of initiative, but what's wrong with having local initiatives being undertaken to deal with these matters? What's wrong with local bylaws dealing with these matters? It just doesn't work across the entire province.

There are smaller communities out there which don't have this problem, smaller communities which do not need to have accessory apartments legislated by Queen's Park, a made-for-Toronto policy which is going to be broadly based, a broad-brush approach which simply won't work in a lot of small communities. I think this is a major oversight on the part of this government.

As has been pointed out by previous speakers, AMO has been opposed to this, and the broad consultation the minister speaks about wasn't broad at all, because she wasn't listening to AMO. AMO is representative of the broad cross-section of municipalities across the province. The minister admits that, but that's not consultation and that doesn't mean she's listened to those concerns. She's completely ignored them. She has ideological blinders on once again.

I just again get back to the point of why it was necessary to introduce an omnibus piece of legislation for this matter, which quite frankly could've been dealt with in two pieces of legislation separately. They're entirely separate issues with regard to the matter pertaining to the various acts that are affected by this, the Municipal Act and the Planning Act, and I again voice my opposition to the fact that these things were introduced together.

I think Bill 20 is the latest example of, as I said, omnibus legislation that throws together, junks together, pieces of legislation in an effort to speed up the legislative program here at Queen's Park. We always have problems at the end of the session, and this is again demonstrated by this government's inability to introduce legislation in a timely fashion, giving the opposition an opportunity to examine the legislation to its fullest extent possible. To lump it together and throw it through the hopper at the last moment totally disregards the democratic process.

Quite frankly, I thought the minister was motivated because this bill just simply wasn't going to live up to the things she had thought it would live up to. I believe this government felt that by throwing it in with the recommendations around the Lightman report and—

Hon Ms Gigantes: Which you don't support anyway.

Mr Cordiano: Well, we do support it, by and large. I would like to see changes to the sections that I've pointed out are difficult and problematic. If the minister is saying, "Oh, there's no problem," then I'm sorry, you're in for some real delightful surprises in the future with regard to those sections of the bill. You're totally ignoring some very important associations that have to deal with these matters, such as the Ontario long-term care association, which has to deal with this item and has pointed out that there are problems with this legislation.

Quite frankly, I again say to the minister, I shall be looking forward to dealing with these items in committee. On the whole, we are generally supportive of the Lightman report and its findings and its recommendations, and the general thrust of the legislation is supportable on the whole, with these provisos I've pointed out.

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We are not supportive of the initiative with regard to basement apartments. We believe there was an alterna-

tive. We believe that municipalities should have been given the option to include this in bylaw provisions. Each municipality would have been given the opportunity to do this. I don't believe it's right to say, if members of a certain community do not want to have multiple-use dwellings, that they should be forced to have them by Queen's Park.

It simply doesn't wash, Minister, in a variety of communities where people have moved in thinking they're living in a single-family, residential community, suddenly to have thrust upon them multiple-use dwellings, to be converted overnight. I don't believe that's very fair at all, and to have this piece of legislation shoved down their throats is adamantly unfair. There's a better way to do this, Minister, and that could have been something you could have looked into.

Hon Ms Gigantes: We tried it and it didn't work.

Mr Cordiano: You did not give this an opportunity to really work. You didn't make any real efforts at getting municipalities to work with that policy. It was demonstrated, and I pointed out to the minister that some 90 municipalities had taken initiatives in this area and were in fact working with the government to intensify and to make this possible, to make accessory apartments possible. They were intensifying, and municipalities had alternatives to this. They were looking at other ways to intensify.

But the minister didn't believe this was going fast enough and it didn't meet her ideological agenda. I think this was something that was motivated largely by ideology and largely supported by people who did not feel that municipalities out there, in smaller communities, should have the right to make those decisions.

Hon Ms Gigantes: What about your housing policy?

Mr Cordiano: That was a policy statement.

Hon Ms Gigantes: Wasn't that ideological? What do you think is ideological?

Mr Cordiano: When you put it in the form of legislation and you ram it down the throats of all the people everywhere without any distinctions, that's not the real world; that's ideologically motivated. That's strait-jacketing people into a position where they have no option and they have no alternatives. I would say, for those on that side of the House who are motivated by ideological factors, that it's quite easy to come to those conclusions and say: "Everyone should live by the same norm or same standard or same level. There should be no alternatives and people should not have choices."

That's what you've done. You've excluded the possibility for choice. You simply do away with choice, and that's the kind of society you would like to see in the province of Ontario, with very little choice for people.

Hon Ms Gigantes: No, we opened up choice. You've got it backwards.

Mr Cordiano: I, for one, don't agree with that. I think that where people choose to live is important and is a personal decision. I think people should have the option to do that, especially when they're willing to pay extra for it; that is something you can't see eye to eye with.

I look forward to this piece of legislation in committee, where we will be making amendments and will offer alternatives for changing this legislation.

Mr Steven W. Mahoney (Mississauga West): I congratulate the member for his remarks. I think they were well thought out. But one thing's very interesting: As he speaks, the minister sits in her place chirping at everything he says. We have given up long ago thinking that it's possible to get through to this minister to change her mind or to have her think in any way that there are positive suggestions that might come from this side of the House. If you want to chirp, chirp, but we're really not interested because we know and everyone knows, Minister, that you made up your mind long ago and you're simply ramming this down the throats of everybody in this Legislature and everybody in this province.

Of particular interest to me was a comment that would not have been picked up in Hansard, but the minister in her chirping back and forth made a remark that she was—and I wrote it down—stopping the heavy hand of municipal government. That's what she said—and she's nodding her head in agreement—that she's stopping the heavy hand of municipal government.

It's really interesting. I heard the minister say that the municipal politicians would jump with joy—or some such description—at this legislation going through, because no longer would they have to face the wrath of the electorate when the intensification—

Hon Ms Gigantes: That wasn't the way I said it.

Mr Mahoney: Then let me put it the way you said it. I think what the minister said was that municipal politicians would appreciate this legislation because the people who live in single-family communities are the people who come out in the largest numbers to vote for those municipal politicians and therefore they would not have to face the wrath of those voters on election day. That's what you said.

Hon Ms Gigantes: You got it.

Mr Mahoney: You are a cynic; you are a terrible cynic. For this minister to suggest that municipal politicians in this province don't care about their communities and are thinking in the cynical terms that this minister thinks, for a minister of the crown to be uttering such contemptible remarks in this Legislature is a disgrace.

Let me tell you that the people who represent their constituents at the municipal level, by and large, in this province are very close to the grass roots. They're the ones who have to attend the public meetings on issues that involve housing, planning, intensification, schools, transportation and all of those things. This minister sits on her pedestal high up in Queen's Park and is going to stop the heavy hand of municipal government.

Your municipal people in Ottawa must be ashamed of you, Minister. They must be so embarrassed that they can't wait until the next provincial election, when they can show you what a heavy hand means and throw you out of office, because that is what is going to happen, in my respectful submission.

In the municipalities, they have a lot of serious problems that revolve around many aspects of this, of municipi-

pal services. What's really unfortunate is that not only has this minister clouded this issue into an omnibus bill with another bill that should be totally separate, but she clouds the issue by pitting municipalities against their own residents. If the minister thinks for one minute that those people are going to simply exonerate their municipal officials and say, "Oh, the minister did it," they're going to say that, but those people are going to say, "You better go fight the minister, you better go talk to the Premier, because you're our elected representative." They have major problems.

Mr Randy R. Hope (Chatham-Kent): Oh right, dealing with market value right now. All I hear is the Liberal municipal critic chirping away.

The Speaker: The member for Chatham-Kent is out of order.

Mr Mahoney: It's obvious to me that people opposite have never served on a municipal council, have never had to experience what it's like to work with a community to make something work, be it a non-profit housing project, be it a co-op project, be it a larger private building, any number of things. The concerns that are expressed by the residents in most cases are very real, their fears are legitimate and it is the job of a municipal councillor and the mayor to meet and talk with those people.

Hon Ms Gigantes: And the provincial member.

Mr Mahoney: The minister says it's the job of a provincial member as well. I would be interested to know how this minister can go to those people and say: "I don't care what you think. I don't care what your local elected representative thinks. We're going to pass this law and you're going to get this whether you like it or not." Is that the kind of consolation this minister and this government believe is fair in a democratic society?

What about the municipalities that said: "We're not blind to this. We're not prepared just to shut our doors. We'll talk to you. What about some licensing regulations? What about the impact on the schools?"

The facts of the matter are that basement apartments are not the end of the world. The very first home my wife and I had 25 years ago was a basement apartment, and there was nothing wrong with it, but let me tell you, it was not forced upon the community. There were not all the problems that many communities are facing with intensification.

Hon Ms Gigantes: Was it legal, Steve?

Mr Mahoney: Look, whether it was legal or not legal is not the point. If you want to legalize it, work with the municipalities to legalize it. Don't sit there high and mighty and tell everybody you've got all the answers.

Hon Ms Gigantes: You could have been evicted.

Mr Stockwell: Nobody gets evicted from a basement apartment. Name the last person.

The Speaker: Order.

Mr Mahoney: If you really think there's a problem with the legality of intensification in basement apartments, put it on the table with the municipalities. Talk to AMO.

Mr Stockwell: No one has been evicted from a

basement apartment in her life.

The Speaker: The member for Etobicoke West is out of order.

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Mr Mahoney: Talk to the people who have to sweat every day in dealing with the local community to try to make sure that they're building and developing harmony within their communities.

You're not doing anybody any favours. You're not doing any favours for the people who live in the basement apartments. There's going to be resentment in the community.

The kids in those basement apartments—oh, you'll let them speak for themselves, but you won't let the duly elected representatives in the municipalities speak. Aren't you a wonderful little dictator? Aren't you just lovely? You're going to do it your way and to hell with anyone else who might be elected.

The Speaker: Order. The member for Mississauga West, that is a little over the line. I would ask the member to refrain from using that type of language.

Mr Mahoney: I don't know what I went over the line on. I heard the minister say that she was going to allow some mechanism for people in basement apartments to have their say, but she's not prepared to allow people in municipalities, elected and otherwise, to have their say. Now, is that a dictate? Mr Speaker, I ask you. Is the minister dictating to them how she will bring this in? And one who dictates, according to Webster, is a dictator, and I suggest that's exactly what we have here.

The Speaker: Would the member please take his seat. The member will know that it is not appropriate to use that type of language when referring to another member of the House. I would ask him to refrain from using such language.

Mr Mahoney: This is a piece of legislation that I look at and say it's give and take. It's mostly take by the government and give by the communities. Let me just give you some examples.

"All detached, semi-detached and row houses in areas zoned as residential will be allowed to have a basement apartment as of right without requiring special municipal approval."

Now, that's take. I don't think there's any question about that. This minister is taking away any right of the local municipality to have any say. They have concerns about it and they've expressed those concerns. The minister is taking away those rights. It's quite clear.

Then it goes on: "Municipalities will not be able to pass bylaws or official plans that make distinctions based on related or unrelated persons."

Let me tell you, Minister, I agree with that one. We agreed with that when we were in government. I always used the example that I grew up in a family of 10 kids, and you wouldn't have wanted to live next door to us. We were all related to one another, and it was pretty noisy and raucous at times, as you can imagine.

Interjections: No.

Mr Mahoney: It was at times. The fact is, we were

related to one another, we think, and therefore the differential of related or unrelated obviously is not something that I feel you should be able to discriminate against. I go along with that.

"Any such existing bylaws or official plans are deemed to have no effect." The municipalities weren't happy with that—we had a lot of meetings with them; we talked with AMO—but they came to understand that under the charter in this country, you cannot discriminate against people for any reason. You certainly cannot discriminate based on their housing accommodation. You cannot discriminate based on whom they're related to or not related to.

Interjection.

Mr Mahoney: Well, they were difficult, I admit that, but they came to understand it. So they said, Minister, "How can we work this out? We don't want problems of 12, 15, 20 and 30 people, all unrelated, all living in one single-family home." The problem of trying to define a "single family" may be simple in some communities in this province, but it is not simple in many others. You get all of these people living together, all having vehicles, having all kinds of different hours, comings and goings, work schedules, school schedules, impact on the local school, impact on the playground equipment, impact on everything. They were concerned about that, and it's a legitimate concern.

Having said that, you cannot discriminate based on their familial relationship. I totally support that particular position. But the municipalities said: "We understand that. We'll work with you. How about a licensing bylaw? How about recognizing that there are certain areas, there are certain conditions?" In my own community that I live in and represent and have for 16 years, both municipally and provincially in the same community. I have Erindale College, which is a division of the University of Toronto.

Interjection.

The Speaker: The member for Yorkview, come to order.

Mr Mahoney: There are town houses on the campus where the students live, but there are a lot of other areas where perhaps people would be prepared to talk about intensifying the housing. There are some very large homes there, and there may well be a movement within that community to provide some student housing within that community. There may be a movement within that community to provide some seniors accommodation; as you call them, granny flats. That type of thing may well be doable and available in a community such as the one I refer you to in Erin Mills.

But for you to simply dictate it, for you to simply wrap up in another piece of legislation this particular bill, to actually introduce a bill called Bill 90 and then to sneak it away and bring it back in in another bill, I don't even know if that's parliamentary; I don't even know if that should be allowed. I'm sure it is or they wouldn't be trying it, but it's really outrageous.

Are you afraid to have this debate? Are you afraid of the mayors? You're afraid of Hazel, maybe? I don't know. Are you afraid of Mel? We'll bring Mel and Hazel

in and have a nice little confab. I'll referee. I don't understand it. Why won't you talk to them, Minister? Why won't you listen to their concerns? They have concerns about municipal services, the impact on the parks and the recreation. It may not be a problem; we may be able to work it out. I think that type of thing could be worked out.

But the problems we experience—let me tell you a story of a community that has turned things around. The member for Mississauga South isn't here and she may address this, but I'm aware of it as well because of course I have a very strong connection to the municipal council in Mississauga which, Mr Speaker, I'm sure you're aware of.

I've also received the documentation about Talka Village. Talka Village was, at one time, a community that was full of intensification; there was a major problem for many, many years. There were all kinds of crime problems—I won't go into details. But the fact is that the residents' association at Talka Village has taken back their community. They have resolved it with the help of councillor Pat Mullin, with the help of the municipal staff, and they've put together a whole positive outlook on this community that was formerly really in very, very serious trouble.

That's just one example this minister might look at to find out what it's like to get communities working together. It can happen. They can get together in Neighbourhood Watch and look out for each others' kids. They can say, "We're not going to put up with the criminal element that's invading our community." They can Take Back the Night if that's what has to happen. They can say to the police, "We want to work with you in a positive community reinforcement program that will say to all of the women in our community, 'You're safe to walk the streets at night,' and say to the kids in our community, 'You're safe to go to the playgrounds in the daytime by yourself without thinking you have to have an armed guard.'"

That's what Talka Village did. I congratulate that residents' association. They did it without some government legislation and without these people coming along and telling them how they should be leading their lives in their community.

They've got a very positive situation going there, and I can take you to other areas in my riding in Mississauga West where communities have worked together, where ratepayers' groups—what point is there in having a ratepayer group made up of volunteers meeting on their own time, often late at night, circulating flyers on issues, working day and night. I know what it's like. I'm a past president of a ratepayers' group, and I know how you have to work hard to get the community involved. It's usually only when a problem occurs in somebody's backyard that they pay attention to the ratepayers' group and the local councillor, but they keep plugging away and they've been doing it.

My own TEMPO, the Erin Mills organization, is one of the finest ratepayer groups in the city of Mississauga. They work with their councillor, and have for years, in trying to resolve concerns, whether it's around housing

intensification, whether it's around the non-profit housing that this minister keeps handing out like it's coming out of Cracker Jack boxes, no matter what it's around.

I would like a moratorium, let me tell you that. I don't like the fact that you went out to my community and gave a speech that misled my leader's position on non-profit housing. Under no circumstances was there any suggestion that there be some unilateral solution to the crisis in non-profit housing. I've straightened it out with those people and told them what she really said. What we've been saying is that there should be a moratorium because you are destroying the non-profit housing projects in this province. You are going to bankrupt the whole thing.

2300

What we have to do is find a balance, a way of delivering these programs to the community, of working with organizations like Peel non-profit to ensure that our non-profit housing programs are successful for a long time to come in the future. But as long as this minister comes along, you get a group together and incorporate yourself in a non-profit capacity as the Left Nostril Inhaler Society and you, sir, could apply for some non-profit housing right there in your own community. That's just a terrific thing. We think it's out of control, just as this minister is out of control.

Anyway, on the point I'm making with regard to the give and take, let me go back to another take. I've said I agree that you cannot discriminate based on relationship. The next one is that the legislation allows regulations to be passed in order to limit the ability of municipalities to set zoning rules or property standards for basement apartments.

I've got to tell you, I first ran municipally in 1976. I didn't win that year. I ran two years later, in 1978, and I won municipally; I went through 1980, 1982, 1985 and then in 1987 ran provincially, so I've been through a few municipal elections. I understand the concerns, I think, at least in my own community. I was the city of Mississauga's representative on the Association of Municipalities of Ontario for a couple of years and got to meet with municipal leaders from all over this great province, from the northwest, from the Ottawa community, from all over.

It seemed we had something in common. I mean, these people were going to be different, but it almost seems like it doesn't matter who is in power at Queen's Park. The one thing that municipalities have always had in common is a frustration that the government of the day is jamming things down their throats, forcing them to do things, passing on costs and burdens to the municipalities and not passing on any of the authority or any of the money that is required for them to implement the procedures the province is calling for.

We tried, when we were the government, to bring in intensification by suggesting that 25% of new subdivisions should be affordable housing. We didn't define that, because what's affordable in Ottawa may be different from what's affordable in Mississauga, what's affordable in Thunder Bay may be totally different from what's affordable in Kingston, so we didn't try to put it down in

such a rigid form that the municipalities had no flexibility to deal with all of the subdivision plans. But the principle that was in place was to say to the municipalities, "In your planning and development and working with your local community, working with your ratepayers, we want you to try to implement some affordable housing."

There were some areas, the minister would say, and I would agree, where they refused to do that, and that was wrong. I won't name names or get into the areas, but I would just—oh, well, I will, then. I know there was a suggestion in Vaughan, for example, that we could build the affordable housing in Mississauga and everybody who moved out of Mississauga could go to Vaughan and live in all the big houses.

I agree that's not a good, healthy attitude, that you need a mix of housing in a community. It's a stated policy in our official plan in the city of Mississauga that there be a mix of housing, that the high density be on the transit routes, that it be near the shopping corridors, that schools be put in place within walking distance. We've got it planned right down to the corner stores and the dry cleaners. This has been over many, many years.

In 1969, before my time, there was a release of three major areas in the city of Mississauga for development: Meadowvale, which is now a thriving, popular community; Erin Mills, which I represent, which is known as the planned community throughout North America. Indeed, we have people coming from all over the world to take a look at the planning. The minister should come some day. We've had a couple of ground-breaking ceremonies that the minister was unable, much to my upset and dismay, to make, so I covered for it.

But in any event, let me tell you—

Hon Ms Gigantes: The moratorium goes to you.

Mr Mahoney: It's not a double standard, because I made it quite clear that I was very concerned about what you were doing to the non-profit housing project, but at the same time, as this minister knows, I have a responsibility to represent the people in my community, and I'll continue to do that, Minister, with or without your blessing, let me tell you that.

But in 1969, Meadowvale and Erin Mills were released and Mississauga Valley, which is I guess as close as you can come to downtown Mississauga, right at the Burnhamthorpe-Highway 10 area, on the east side. Much of it I represent, as a matter of fact, and some of it is represented by Mr Sola, the member for Mississauga East.

Back in 1969 I think our city of Mississauga had a population of maybe 125,000, 140,000 people. Today, we are approximating half a million. We're the ninth largest municipality in the country and let me tell you, we have a wonderful community. We've got a good mix of residential-commercial, a lot of industrial. We are known as the Japanese capital of North America for head offices with Sharp Electronics and Nissan and any number of them. We have a twin city in Japan that has evolved out of the fact that so many Japanese companies have located in our city. We're quite proud of that.

We're quite proud of the fact that we have developed a tax base that sees our reliance on residential taxes going

down and our reliance on industrial-commercial going up towards the balance that we think makes sense of a 60-40 ratio. We're not there yet, but even with all the growth that we've seen in our community in Mississauga, we have come up over the past 12 to 15 years with that particular ratio.

Why? Let me tell you, it was not because the Conservative government of the day dictated to us in Mississauga how we were going to plan our community. It was not because the Liberal government of the day under David Peterson dictated to us how we were going to plan our community. It was certainly not because somebody came along and said, "The legislation allows regulations to be passed in order to limit the ability of municipalities to set zoning rules."

Imagine a provincial government limiting the municipalities' authority and ability to set zoning rules or property standards. That one statement in this legislation, if there was nothing else—and believe me, there is a lot else in this bill—is reason enough not to vote for this legislation, and the minister knows it. You see, this is a trick. If she wraps this thing up with parts of the legislation that she knows some of our critics in the Liberal Party might agree with, if she ties it in to other studies, like Lightman and other things, that perhaps many of the aspects of those studies the Liberal Party might agree with, how can we vote against those things? So what she'll do is she'll slip in Bill 90 because she knows she's going to have a battle second to none to get Bill 90 passed standing on its own merits. She knows that. She knows that the municipalities will be lining up out here.

Interjection.

Mr Mahoney: Well no, we know you can beat us. We know you've got the majority. Don't be too arrogant here, Minister. Every dog has his day, you know, and there's a long road without a bend and all that good stuff. Don't be too arrogant. This minister knows that if she tried to put Bill 90 through on its own, that there would be absolute chaos. The municipalities would be coming here, they would be demanding to see the Premier, they would be demanding that the bill be withdrawn and that proper consultation and discussions take place. They have not taken place. The communities are concerned. Do they need to be? In some cases they probably do; in others, the fears may not be well-founded.

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You talk about safety. I use the example of Talka Village and what it's done, but it did it by working together with the local representatives. They didn't do it with some dictate from a higher level of government.

There are technical problems with intensification. There is a thing called infrastructure. We all know about it. Infrastructure in a community is anything from sewers in the ground to water pipes. Once a year—it never fails—in my community we have a lake inversion. That is where the water at the bottom and the water at the top do a flip. When they do that, that causes a terrible odour in the water in the community. Once a year, guaranteed, it's like rotten eggs. You can't drink it, and if you boil it for tea or coffee it gets worse. It's a freak of nature. Lake Ontario actually flips right over.

People call my office and they call my wife's office all the time to say: "What is going on? We've got something in the water. There's a problem." We explain what it is. We go through the technical explanation. We get the ministry staff at the purification plant to contact them to explain to the residents what this is. But you can appreciate that when they don't know what it is, when they're not engineers, when they turn on the tap water and they put the kettle on for a cup of tea in the morning and they smell this, they think literally something is rotten. It's scary.

My point of using that analogy is that they don't know all the implications of what this minister's trying to do with intensification. All that the residents in a community know and frankly all that should concern them is the quality of life in their community and what it's all about. This minister is coming along without giving the people who represent them an opportunity to explain to them what this is about.

I made a suggestion to Mayor McCallion and the council some time ago—we were still the government—that we look at licensing: licensing of basement apartments, licensing of granny flats, licensing of group homes. One of the most difficult things that I ever went through in my political career was when I was still on council and I had won the nomination to run for the provincial Liberal Party in 1987, but the election had not been called yet, so I was still a regional and a city councillor. The folks at Peel non-profit came to me and said, "We want to put a group home for former psychiatric patients right in the middle of a very affluent neighbourhood with single-family homes and we want you to support it." My first reaction was, "Thank you, but would you please go away?"

Mr Mills: Not in my backyard.

Mr Mahoney: Well, it was a frightening thing.

Peter Smith, who was the housing commissioner at the time for the region of Peel, said to me: "Steve, you can do this. You should do this. You've got to explain to the people in the community that the people who will be living in that home, which will be built very much like a single-family home—that there, but for the grace of God, go any one of us." He convinced me to take up the challenge.

I did not go in and say to that community and say, "We're putting this in here whether you like it or not." I didn't go to that community and say: "You owe it to these people to take this. This is your responsibility." I set up a steering committee working with the non-profit housing company at Peel, working with the Canadian Mental Health Association in the region of Peel and working with my office. We had a steering committee and we met with a similar establishment in Brampton and we got to find out what's going on here, who actually it is that we're going to be accommodating in our community.

The short story of a fairly long story is that the community accepted that home. It is there today, it's operating just fine and the steering committee is still in place. In fact, the steering committee—is there a problem with the time, Mr Speaker?

The Speaker: There's a small problem.

Mr Mahoney: There are 26 minutes left and the members opposite would like me to stop; is that the problem, Mr Speaker?

Mr Mammoliti: Yes. Sit down.

Mr Mahoney: Not a chance, George.

Let me have a look at that. What is that? Oh, look at that: "Traitors." Who are they? "Traitors and Heroes." There we go, folks.

Mr Mammoliti: Who are those heroes? Are you one of the heroes?

Mr Mahoney: Who are the heroes? Dennis Drainville, Karen Haslam, Peter Kormos and Mark Morrow. They're heroes. The rest of them—I'd rather not deal with that.

Getting back to the issue of community involvement, I convened meetings. They were very difficult meetings, let me tell you, very difficult. At the first meeting there were 400 people in the auditorium at Sheridan Mall and all with a rope in their hands, doing up a knot ready to put around my neck. Let me tell you, it's the toughest thing I've ever been through, people saying that if their daughter got raped, it would be my fault. Very, very emotional. By the end of the process, you know what? We still had public meetings with between 300 and 400 people, but at the end of the project, those people had tears in their eyes.

Mr Mills: As they would here.

Mr Mahoney: The member says, "As they would here." If that's true, let's have the meetings.

Mr Mills: No, no. I said it's working out.

Mr Mahoney: Of course it's working out, but the reason that it's working out is the involvement with the community, with the proponents, which were Peel non-profit and the Canadian Mental Health Association. Nobody forced it on them. I assured the residents that if at the end of the process they were still adamantly opposed, I too would oppose it and we would move. I gave them that comfort level, that confidence level.

Having said that, I worked very hard to convince them that this indeed was not their worst nightmare. This was not a group home of people who had been charged with a crime or who had committed murder. This was not a halfway house such as the ones we hear about that are so difficult—yet in society, we need places for them—this was the home of former psychiatric patients.

It's most interesting that two weeks after the home opened, there was a suicide, tragically. My phone rang like crazy: "See, we told you so. This was a bad thing." I happened to anticipate this and I said: "Do you know that in your community, the broader community, in the past year there have been five other suicides and they've all been in single-family homes? A couple of them have been young people who were distraught." Five. It's a big community, but still. They said, "You're kidding; we had no idea." I said: "The only people who are going to get hurt by the people who live in this home are they themselves. It will not be you and it will not be your children." And they understood that.

In answer to the member for Durham East's question, it is working and it's working very well.

I say to you and I say to the minister that if she would only use that example—don't use my example. I don't care. There are countless examples all around the province of open consultation with duly elected municipal officials dealing with the people whom they represent to ensure that harmony exists in the community. Is that not, in the bottom line, what our job is?

Back to my points on give and take. Municipalities will be able to pass temporary bylaws—here's a give, Gordie, just for you—that allow the use of garden suites, granny flats, for up to 10 years. The current limit is three. I'll tell you, this is a gift. Now what we're saying is that if you want to build a little granny suite out in the backyard and you want to have your mom or your dad or your mother-in-law or your father-in-law live out there, the benevolent government is going to allow you to do that. Hallelujah, and thank you very much for recognizing something that was recognized a long time ago.

The reality is, all they're doing is extending the time frame. The other reality, as the minister would know, is that all that would be required to extend that time frame is a minor variance at the committee of adjustment. Who is going to object to someone having their mother or dad or in-laws live with them, for goodness' sake?

Mr Mills: My daughter might.

Mr Mahoney: Your daughter might object to you living with them. I forgot. That's a point. But I think neighbours generally would be prepared to have you as a noble senior citizen living in their community with his family.

We're judged in many ways by how we treat our seniors in society. I use the example of Mississauga being the Japanese business capital of Canada, perhaps North America. I think it is. The Japanese treat their seniors with absolute reverence. There would never be any question about whether or not they need approval for a granny flat or to have their seniors live with their families. In fact, in Japanese homes that I've been in, there are three generations living there, all in peace and harmony. They understand that.

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I think we're all judged by how we treat our young people and our seniors. We have to nurture our young people and realize that they indeed are our most important asset, but we have to recognize that our seniors are our most important resource, that if we turn to them—and the member for Durham East gave a very impassioned speech here on Remembrance Day and brought the whole place close to tears with his legitimate sincerity and his heartfelt feelings and concerns about, I'm sure, friends and colleagues whom he knew who perhaps fell, probably during the Second World War. I don't think you were there for the first; you're not quite that old. But, in all seriousness, he respected the contribution that they made, and we certainly respect that in the Liberal Party and in our community of Mississauga.

But, you know, leave us alone; we'll deal with it. We don't need the pontificating of the benevolent minister. I

was going to say something else, but you've cautioned me.

Mr Murphy: Person who dictates.

Mr Mahoney: Person who dictates. Is that one allowed? I thought that Mussolini's daughter—what was she, granddaughter?—lost the election. Maybe she moved here to Ontario.

In any event, we don't need that kind of pontificating coming down from on high, and I said before that in my two or three years as Mississauga's representative on AMO, I found that the common bond between all municipal representatives—I'm sure the former mayor of East York would agree with me—the common bond of every municipal politician is they're mad at the government. They're mad at the province, every one of them. It was that way when you guys were in power and it was that way when we were in power, but at least there was an attempt to talk to them. At least there was a realization that we couldn't simply shove it down their throats and demand—what did the minister say? "Stop the heavy hand of municipal government."

Oh, boy, am I ever glad we've got this minister here. She's just going to go out there and whip Hazel McCallion and Mel Lastman and all these low-life municipal types into shape, I'll tell you, boy, as Don Cherry would say. Way to go, Evelyn. She's just going to straighten them out. Oh, she's going to take away their power. Who do they think they are, actually having the audacity and the nerve to think that they should have a right to plan zoning? Can you imagine that a municipal politician would think they have a right to plan zoning? Why would they possibly have that right?

Why doesn't this government go one step further and just abolish the municipalities? We'll just have everybody come down and worship at the feet of the Premier right here at Queen's Park, up University Avenue. "Hallelujah, Premier Bob, Minister of Housing Evelyn. We're delighted to be here. We thank you, oh most omnipotent one."

We could get rid of the municipalities, the regions, the school boards. There might be a lot of support for getting rid of the school boards out there. You never know. We could just vest all responsibility and authority—we'd have to move this aisle over—right in that centre aisle, right up there.

Think of it. Think of the power. Think of the authority they would have to be able to manipulate and determine who lives with who. We could have photo-radar in every bedroom in the province. I just get carried away with the thought. It is just so exciting. We'll take pictures of you as you drive down the highway, pictures of you as you sit in your family room, pictures of you as you open the door to let your mother in the back door. Boy, oh, boy, that could be something.

There is hope yet for this government. We may have just embarked on a new course that will say to the people of Ontario that they can trust Bob Rae, that everything they've heard and seen up to now is false, that really he's a nice man, that he has a competent Minister of Housing. The fact that the Minister of Housing is forcing everybody to do it her way should not bother the citizenry, the

proletariat, the peons, the peasants—

Mr Stockwell: The plebs.

Mr Mahoney: The plebs—plebs? It shouldn't bother them.

Mr Drummond White (Durham Centre): Don't they know what's good for them?

Mr Mahoney: As the member says, don't they know what's good for them? I'll tell you when they didn't know what was good for them: in 1990, when they elected you guys to government. Boy, I'll tell you. And right now they're all out there. You know why they did it? Because we called an early election. How many people in the province would like an early election today? Hands up.

Mr White: Two people. Hurray.

Mr Mahoney: I don't think there would be an objection.

Hon Frances Lankin (Minister of Economic Development and Trade): You notice the Tories didn't vote.

Mr Mahoney: No, well, they aren't listening, but I cannot singlehandedly keep the Tory caucus awake. I'm sorry; that is just too much to ask. I'm concentrating right now on what I perceive to be the enemy, because they will come at a later time.

In any event, the omnipotent and most benevolent Minister of Housing is going to get a message, I'll tell you, from every municipality and from AMO. If she insists on bull-heading ahead with this thing, if she insists on steamrolling through with this thing, then that message may have to wait, I admit, 18 months. They can come down and do all the yelling; we know the unions can come and do all the yelling they want. The OFL, for goodness' sake, can come and do all the yelling it wants, but does this government care? I think not. They have somebody designing—

Mr Hope: Watch what you say. How many times did we stand out there when the Liberals were in power?

Mr Mahoney: Were you one of the injured workers chomping at the door? Was that you, Randy? Now you're just an injured MPP. Are you still getting a pension from workers' comp? Maybe you're still on a life pension. You'd better hold on to the pension, because you're going to need it, let me tell you.

Mr Hope: Listen, don't worry about mine.

Mr Murdoch: He's going to run for mayor.

Mr Mahoney: Mr Speaker, I really would rather talk to you because he gets a little excited. But what's next? I was on the give and take, remember that? Well, we're back to another give.

Hon Howard Hampton (Minister of Natural Resources): Mostly you're on the take.

Mr Mahoney: We'd better go back to another give. Here's a good one. Municipalities will be able to obtain a search warrant without requiring that evidence be seized. Okay, so the Solicitor General, the Attorney General—who gives those things out? The AG, I guess. You don't; you just tell the cops to go in. Here you go. You're at home on a Sunday night and you've got some relatives who have come over from England. They're

sleeping in the spare room in the basement. Okay? You get a knock at the door and there's a cop. There's a municipal bylaw officer and he says, "Mr Mahoney, I've got a search warrant to search your basement." Excuse me?

Mr Stockwell: But I won't seize any evidence.

Mr Mahoney: Maybe I'd get him to seize my relatives, if they want to seize some evidence. I can see it happening.

Mr Mills: No.

Mr Mahoney: Gordie, you don't think so? Why? Just because your relatives would sleep upstairs.

Somebody complains. Maybe there's another vehicle; I don't know. It says they'll be able to obtain a search warrant. Obtaining a search warrant should not be a minuscule item in this formerly free and formerly democratic community.

Mr Mills: They're tough to get.

Mr Mahoney: But you're going to make it easier. The municipalities have a problem, they don't like what's going on, they just get a search warrant and they walk in the door.

I'm going to tell you, we're heading towards some very serious problems when somebody says: "Well, just a minute, Mac. You may be a municipal bylaw officer and you may have a search warrant, but I'm going to pop you one if you try to come into my home." What is this? Is a man's and woman's home their home? Is it their home? Have you taken that away? You now feel that because you have decided the way to solve the housing intensification problem is to legalize basement apartments without any work with the municipalities, the way to soothe things for the municipalities is to make them all cops, give them the authority to just walk into anybody's home at any time with a search warrant. I tell you that just like almost every other bill that you guys passed through here—I'm not a lawyer—there is the potential for a legal challenge, I would suspect.

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Mr Mammoliti: This gives them that right.

Mr Mahoney: I said this was a give. You're giving the municipalities the right to enter homes, presumably upon receiving a complaint, by just going and getting a search warrant. I have a lot of problems with that. I had problems with that when we debated the legislation that we put through that prohibited municipalities from discriminating. At least it was based on human rights; at least it was based on the Canadian charter; at least it was based on democratic principles. I said to the municipalities at the time: "You don't have a right to just walk into my house or my neighbour's house any time you want and think you can inspect my property. I have rights. I have property rights, I have privacy rights, and you are not going to take those away." I would say that same thing.

So we've got additional problems. One area where they can go in and have always been able to go in is safety. I think it's important that we recognize that if there's a problem or a potential problem with a fire difficulty or there's reason to believe that a home is not properly wired or something of that nature, the fire chief, under

authority of the Solicitor General, has the right to inspect. I think people want that. They feel confident that their fire department will not abuse it. But I don't know, Minister, because you haven't talked to them, you haven't gone and asked them: I don't know if they have that same level of confidence about municipal bylaw enforcement officers able to get search warrants so they can go in and check things out, but they go in and they can't take any evidence. I don't know: Is evidence a picture? What do they do? Do they go in and get everybody in the house to line up in front of the fireplace and take their picture and get their birth certificates out and go back to the judge and say: "Your Honour, I found a couple of folks living in a basement apartment. Boy, oh, boy, we're going to fix this. We're going to put an end to this, I'll tell you"?

Let's go on. In fairness, it says that there still must be reasonable and probable grounds to believe an offence has been committed—never let it be said that I don't give both sides of the argument—in order to obtain a search warrant.

Mr Mills: Pretty short there, Steve.

Mr Mahoney: It is short. I'm not going to spend a long time defending your legislation, I can tell you that. Fortunately, I believe that our municipalities will be reasonable enough that they indeed will look for reasonable and probable grounds before they exercise it. But let's make it clear: This is a passing on of legal rights and authority to the municipal level of government to obtain a search warrant if they feel it's reasonable. Let's make it clear that's what it is and that it could lead to problems.

They will be able to enter into agreements. Here's another one this big, benevolent government is giving. They'll be able to enter into agreements with home owners regarding granny flats. We thank you, Madam Minister, from the bottom of our hearts, and our grandparents and our parents thank you.

Mrs Karen Haslam (Perth): Is he done?

Mr Mahoney: We just think you're so—no, I'm not, but it's nice to see you. It will be clarified—here we go again—that a municipality has no authority to licence residential units. Do they have the authority to plan them? Apparently not. What did you spend \$3 million on other than to give John Sewell a job? What did you spend all that money on for the Sewell Commission to go out and investigate the planning process and to make recommendations to improve the planning process? I would have thought that one of the things you would want to do is ensure that in improving the planning process, you protect people's rights. I would have thought that.

Hon Ms Gigantes: The right to put an apartment in your house.

Mr Mahoney: A right. The minister's correct. The right to put an apartment in the basement.

Hon Ms Gigantes: No, in your house.

Mr Mahoney: In your house, anywhere in your house.

Mr Stockwell: What about ripping your house down

and building a 40-storey apartment building? What about that right?

Mr Mahoney: The minister's right. That's exactly what you're doing. You are making it a right to do that. My point is, and I've tried to make it very clear, that you're doing it without consultation, without discussion.

Hon Ms Gigantes: The heavy hand of municipal planning; you're supporting the heavy hand of municipal planning.

Mr Mahoney: Instead of the heavy hand of the municipal government, you're bringing down the heavy hand of the Minister of Housing. I hope that when you snuggle in, ready to go to bed late at night, you're proud of yourself. I hope that when you get those phone calls—if you answer them—when you go back to your constituency in Ottawa and the municipal people call, I hope you're able to—

Interjections.

Mr Mahoney: I don't care if you are able to explain it to them, to tell you the truth, and I'm sure you know that, but I hope you at least try, because you owe it to them to try to explain it to them.

One of the other problems, and the critic referred to this, is that the NDP seems to be taking a Toronto problem and turning it into an Ontario problem. There may well be, and if there would be some kind of permissive legislation or regulation that would allow the minister to sit down with the city of Toronto and to say there are some areas where intensification would work—

Mr Stockwell: Where?

Mr Mahoney: I don't know where. I'm not a Toronto politician. But if they wanted to do that, I'm sure the Metro politicians would talk to the government and say, "We're prepared to look at some intensification." There are areas, you hear about them, you read about them in Cabbagetown and other communities, where there's been redevelopment, where there's been urban renewal. Perhaps those kinds of issues could be dealt with.

I can tell you that in my municipality, the council would be willing to sit down with the minister and take a look at intensification. They're not blind to it. They're not acting like the mayor of Vaughan did a couple of years ago, saying, "All we want are big, expensive homes." We recognize that you need a balance in the community.

Bur they're attempting to apply a made-in-Toronto solution to intensification, even though the minister is from Ottawa. She seems to have the answer—and this happens so often. This is not the province of Toronto; this is the province of Ontario. A solution that works in Toronto, whether it's for rent control, intensification or non-profit housing is not necessarily the same solution that works in my community, Windsor, Sudbury or Hamilton.

That's one of the reasons we have municipal governments. In fact, regional government started because so many issues were being decided by Queen's Park. In the bad old days, pre-1974, just to get a stop sign approved in your community, you had to go through the municipal council, then you had to go to the regional—sorry, there

wasn't a regional council—then you had to come down to the province just to get the stop sign approved.

Hon Ms Gigantes: We are removing regulations; we are not increasing regulations.

Mr Mahoney: No, but what you are doing is vesting in you the authority and the power to dictate to them without any opportunity for change or public meetings. I can hear the public meeting now. The councillor will call the meeting to order, the people will say, "We don't want this," and the councillor will say, "Well, don't blame me, call your MPP." They'll say: "Okay. Mahoney, what are you doing to us?" I'm going to say: "It's the Minister of Housing. We tried to stop it. She wouldn't listen to us."

Interjections.

Mr Mahoney: I mean, oh, please, do me a favour. C'mon baby, any time. The difficulty here is that the minister thinks she knows best, she is stuck in her ways, and frankly, she's dead wrong. She's insulting the municipalities when she says, as she did at the beginning, that all they care about, to paraphrase, is the vote. That's what she said.

Hon Ms Gigantes: That is not what I said.

Mr Mahoney: Yes, you did. That's what you said. You can interpret it any way. When we send them the Hansard, you watch out how they interpret it. They'll interpret it that way, that all they care about is the vote of the people in the large, single-family homes, and this minister is going to solve that voting problem and just take all the problems away.

You don't understand, because I guess you've never been there. What this minister doesn't understand is that people who get elected at the municipal level only do so with the support of the grass roots in their community. It doesn't happen overnight. It takes a long, long time to build up the trust.

I'm not at all surprised that someone who's only ever been elected as a shop steward wouldn't understand that process. I understand that, when for the vast majority of the members opposite, the only political office they've held before this—

Interjections.

The Speaker: Order.

Mr Mahoney: —is as a steward in a union somewhere. You don't have any idea about the concerns people have about their homes, about their streets, about their parks, about their communities. They're not going to take it from this minister or this government, let me tell you. They're going to send you a clear message.

The real shame of this is that the minister did not have the courage to debate these two bills separately. They should have been done separately because they both deserve the attention of all three parties in this Legislature.

2340

This is a common trick started by the House leader—I think it was mostly his idea—in bringing omnibus bills together and wrapping them up in one package in an attempt to force the opposition to vote for a bill because it might have a few things in it that they agree with but

has a lot of things in it that they don't agree with.

Let me tell you it should come as no surprise that the member for Mississauga West will be voting against you on this bill. I would vote against you on both the bills but I will clearly vote against you on this bill.

The Speaker: I thank the honourable member for Mississauga West for his contribution to the debate and invite any questions and/or comments.

Mr Stockwell: I want to comment particularly on the zoning applications, plans and official plans. Why? I think it is very bad for the government to go ahead and do this with respect to basement apartments. A number of neighbourhoods in a lot of cities of this province, but at least within Metropolitan Toronto, were developed on official zoning and plans for single-family residential. Schools were built, parks were developed, libraries were built, roads were constructed and driveways were constructed way back in the 1920s and 1930s and so on and so forth. When you intensify, you create a distorted degree of intensification on those particular services.

First and foremost would be parking. Let me explain parking to you. If you have a parking problem on a street—right now we have parking problems on all kinds of streets in all kinds of cities—emergency vehicles can't get down. By allowing intensification, you haven't resolved the parking issue that is already there. You're putting 30 and 40 more cars on a street that's already congested. Ambulances can't get down, fire trucks can't get down, police can't get down, all kinds of emergency vehicles can't get down there.

Hon Ms Gigantes: In the single-family zone? Fire trucks can't get in the single-family zone?

Mr Stockwell: You see, you don't understand it. That's how simple you are.

The Speaker: Order.

Mr Stockwell: Drive down any street in Toronto and look at the streets at night, how narrow they are. Cars are parked on both sides of the street. Trucks can't get down there. Fire trucks can't get down there. These are problems cities deal with every day. If you intensify, put more people and more cars in there, it's going cause double jeopardy.

You sit there and say single-family residential. I can drive you within 30 blocks of this building and show you that exact problem and you don't even understand it.

The Speaker: Further questions and/or comments. Seeing none, the member for Ottawa Centre.

Hon Ms Gigantes: Very briefly on the question of the services available in different kinds of neighbourhoods in different kinds of municipalities, it's very important that the member for Etobicoke West differentiate between single-family zones in suburban areas, where I think he'll agree that parking is not a major problem, and single-family zones in downtown Toronto where intensification has proceeded very often with illegal apartments, where there are no health and safety standards enforced, and this bill is meant to address that.

But let me point out to the member that the buildings he's talking about that were built in the 1920s and in the

1930s and so on were built for families of a size we don't normally see these days. Those residences which used to have families with four or five children in them now very frequently will be residences where there will be two people, three people, maybe four people. To have an additional apartment in the house is not going to overtax the services, which were built to standards, I'll point out, before we began to realize the importance of conservation of water.

We're going to be moving to guidelines now for development standards which will be much less huge than they used to be because we're not going to waste water in the future.

Mr Mahoney: "Much less huge." Is that smaller?

Hon Ms Gigantes: That means smaller, yes, for those who might not understand.

The standards are going to change because we're not going to waste water the way we have in the past. This means, if you put it all together, a lower number of people per normal household, and also the fact that we're going to be changing the standards for development in terms of services means that the overload on services he talks about is just not going to exist.

The Speaker: Further questions and/or comments.

Interjections.

Mr David Johnson: If I can speak over the debate that's still going on, the member for Mississauga West has indicated that there needs to be some flexibility, that municipalities should have the right to deal with this within their own parameters and that it should not be legislated from above from the province of Ontario. That's what the whole planning process is about in the province of Ontario, that the local municipalities should have the authority to deal.

The member for Etobicoke West has brought up the problem of parking. I don't think he brought up the problem of water. I don't suspect we're going to have a shortage of water. But if we are talking parking, which the member for Etobicoke West raised, I hope the minister recognizes that there are areas, certainly within Metropolitan Toronto, where there are severe parking problems.

In portions of East York, and I'm sure the same is true of the city of York and the city of Toronto, there are residential properties with a frontage of 17 feet. The minister is correct in that the homes on average have fewer people today, probably about 2.3 or 2.5 people per home today as opposed to 20 or 25 years ago when they may have had three or 3.5, maybe even up to four people, that's true. But the question is how many cars they have, because that's what's parked. It's not people who are parked out in front of the homes; it's cars that are parked out in front.

I can tell you, Mr Speaker, that there are areas of East York where permits are sold where the biggest battle residents have every month or every quarter is to get one of those parking permits, because there are just not enough parking spots and there are way too many cars already. If this bill encourages more residents and more parking problems, then people are going to be outraged

and there's going to be a problem.

The Speaker: Further questions and/or comments.

Mr Mills: I'm privileged to rise for a couple of minutes and speak to this bill. I've heard all the rhetoric and all the arguments that have gone around, but I like to rely on people's common sense.

Interjection.

The Speaker: Order.

Mr Mills: I would imagine, in my humble opinion, that a person would not be applying for an apartment in their house unless it made absolute common sense.

Interjection.

Mr Mills: I don't know if that person over there from Etobicoke who keeps shouting has anyone go in to his constituency office like I do. I have a lot of old people who come to see me. You know why they come to see me? They want someone to chat with. They want someone to chat with; that's what they want. They want someone to talk to.

I know these folks of mine. They've got these huge houses that date back to the 1920s. They brought up a large family, six or seven kids. They had their whole family and now they're left there with these homes and they would love, just dearly love, to allow someone to come in there and share that home with them, and to keep it, and to help them.

You don't have to be related to attach a fondness to somebody. I know a lot of people who are not even related who live in these types of houses and they attach a real fondness to these people.

Interjections.

Mr Mills: They think it's funny.

Mr Stockwell: We think you're funny.

Mr Mills: I don't think it's funny at all. There are a lot of old people who do get attached to people who are not their relatives, because they need that love and that care, which you seem to think is funny. But I can tell you what. The people where I live don't think it's funny. You can bang your desk and swing your cane or whatever. It's disgusting. I'm speaking on a human element here, and I think we've got to rely on people's common sense. They're not going to put in a basement apartment if they live in a little house. Give the people credit. They don't want to give anyone credit.

The Speaker: The member for Mississauga West has up to two minutes for his reply.

2350

Mr Mahoney: I say to the member for Durham East, that really identifies the problem. What it says is that all detached—bear with me—semi-detached and row houses in areas zoned as residential will be allowed to have a basement apartment as of right.

Not long ago the first home that my wife and I bought was a semi-detached. You can imagine the density; the streets were fairly narrow, there were a lot of cars, single drives. So you could get two cars in, and if your garage wasn't jammed with stuff, you could get one in there if you needed to. But by and large what you've got all over that community are problems where they've got people

living at home, people still living at home with—

Hon Mr Hampton: Too many cars, Steve.

Mr Hope: Three cars?

Mr Mahoney: Yes, because one's owned by a son or a daughter who works and one is owned by each of the spouses who work. I mean, it's very common. I can show it to you.

Mr Hope: This stuff—money.

Mr Mahoney: It's got nothing to do with that. I'm talking about—

Mr Hope: Yes, it does.

Mr Mahoney: —the semi-detached homes. You are such a—never mind.

Interjection.

The Speaker: Order. The member for Chatham-Kent.

Mr Mahoney: It's so ridiculous. If you would go to these communities and understand, in the semi-detached homes you will see vehicles parked all over both sides of the streets because they've still got two or three kids living at home and they need vehicles to go to work for goodness' sake. You put them in the row house—

Hon Ms Gigantes: They won't have room for a basement apartment.

Mr Mahoney: But they do. That's exactly what they do, because they have an opportunity to get the extra money, so they'll put in a basement apartment. You have no concept of the problems that you're creating by doing this as of right. All you can do is say, "Well, if they've got three cars they've got lots of money." That is definitely NDP mentality. Anybody over 50 grand a year is considered rich in your province. You guys are a joke and you're going to create one hell of a mess. The municipalities will have to clean it up.

The Speaker: Is there further debate on the bill? I recognize the honourable member for Don Mills.

Mr David Johnson: In the eight minutes that I've got left, I will say at the outset—

Hon Mr Hampton: That's more than enough.

Mr David Johnson: —that it's not enough, as the honourable members are saying from the other side.

This bill consists of two issues that are jammed together, and I think that's very unfortunate. The one issue dealing with care homes is one that I have a great deal of sympathy for. Certainly, if we look back to 1987 to the unfortunate death of Joseph Kendall, who was beaten to death in a rest home in Orillia, and in the subsequent follow-up through the Kendall inquiry and the Lightman commission, we certainly see that there have been recommendations concerning residents of care homes. Many of them are ex-psychiatric patients or physically or mentally disabled, and they've been dumped into these care homes. I understand this issue and think that we need to implement measures to protect people who need protection.

It's very unfortunate that this aspect has been coupled with the issue of apartments in homes, and it's the latter issue that I'm going to speak to. Our Housing critic, Margaret Marland, will be speaking to the issue of care

homes. But I'll be speaking to what I call the duplexing of Ontario, because that's what we're doing through apartments in homes. We're turning every home in Ontario overnight into a duplex. That's exactly what it's doing except for those—

Mr Frankford: Come on, wake up.

Mr David Johnson: I'm hearing from the honourable member across to wake up, but that's precisely what this legislation does. I think it's unfortunate that in the introduction the minister explained her rationale as to why the municipalities in Ontario were not supportive. The minister indicated—

Interjections.

The Speaker: Order.

Mr David Johnson: In the opening comments, the minister indicated that the reason municipalities are not supportive is because some of the tenants, some of the people who live in basement apartments, don't vote to the same extent—Madam Minister, I think those were essentially the words that you put forward—and consequently municipalities aren't sympathetic. I'm trying to translate what that means.

I think what that means is that municipalities are not representing all their constituents, because some constituents vote more than other constituents; constituents in certain aspects of life vote more than others. Consequently, municipalities are not representing all of their people.

It would be interesting to ask the average person of the province of Ontario who represents them the best. Does their local municipality represent them the best? Does Etobicoke, does East York, does North York represent them or does this government in the province of Ontario? Does Mel Lastman, Hazel McCallion represent them or does Bob Rae represent them the best? In Scarborough, does Joyce Trimmer represent them the best or does Bob Rae represent them the best?

Do you want to know what the answer will be for that one? I can tell you because I've seen the numbers. Environics has done polls in terms of dissatisfaction of people with their government. I can tell you that the local municipal governments consistently rate—

Hon Mr Hampton: Yes, it was true federally. We have seen that.

Mr David Johnson: Yes, all right, I'll tell you about the federal government. The local municipalities rate at least twice as high in the estimation of the people of this province as does the provincial government. The people have a lot more confidence in their municipal governments to make the decisions that affect their lives than they do Bob Rae or the province of Ontario.

Mr Frankford: That's why—

The Speaker: The member for Scarborough East, come to order please.

Mr David Johnson: To answer the honourable member, the federal government is not held in high esteem either. As a matter of fact, the federal government

is a little bit below the provincial government. The problem that we're facing is that this particular issue began in another era. It began at a time when there were—

Mr Gary Malkowski (York East): On a point of privilege, Mr Speaker: I would like to ask the other members to please listen to our colleague here in the House. Let's cooperate and participate in the debate.

The Speaker: The member does not have a point of order. The member for Don Mills may resume his speech.

Mr David Johnson: I thank my colleague from York East. It's very kind of him to do that. I'm recognizing that the hour is fast approaching midnight and I suspect that's why people aren't too anxious to listen, but I'm getting lots of help.

I was just saying that when this issue began in the first instance about basement apartments, there was a shortage of rental accommodation in Metropolitan Toronto. As a matter of fact, the vacancy rate was essentially zero, and that was probably true in great portions of the province of Ontario. That's no longer true. The vacancy rate in Metropolitan Toronto now is at least 3%. In many parts of Ontario it's 6% or 7%.

Mr Bradley: That's what the NDP got in the last election.

Mr David Johnson: My colleague says that's what the NDP are going to get in the next election. We'll give them a little bit more than that.

Again, when this issue began, the price of houses was climbing. It was escalating at a great rate. Affordable housing was nowhere to be found in the province of Ontario. Since that time, what's happened to the price of houses? It's gone down. What's happened to interest rates? They've gone down.

We now have the most affordable housing in the province of Ontario that we've had for many, many decades, and yet we have measures before us that are not supported. We have measures before us that are addressing a problem that to a large extent no longer exists in the province of Ontario.

AMO, the Association of Municipalities of Ontario, opposed this legislation and it strongly opposed this legislation.

Mr Bradley: How does Howard Moscoe feel?

Mr David Johnson: I might say that AMO represents 700 of the 832 municipalities in the province of Ontario and it opposes this legislation. I'm sure my colleague from St Catharines, inquiring about the status of Howard Moscoe, opposes this as well.

It's being indicated from across the way that it is midnight and if that's the general consensus, I will—

The Speaker: This would be an appropriate time for the member to break his remarks. It being 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2400.

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Honourable David Warner

Clerk
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Tuesday 7 December 1993

The House met at 1331.
Prayers.

MEMBERS' STATEMENTS FOREST INDUSTRY

Mr Frank Miclash (Kenora): I rise today to bring to the attention of the Minister of Natural Resources and all members of this House the sense of overwhelming frustration and dissatisfaction that residents of my riding are feeling as a result of a recent meeting of the Old Growth Policy Advisory Committee in the community of Dryden.

As the minister is well aware, forestry and its related industries are very important to the overall economy of the northwest and the province as a whole. The minister's own Forest Industry Action Group revealed in its recent report that over 75% of all manufacturing jobs in north-western Ontario are dependent on the forest products industry. Yet people in my riding are very sceptical of the commitment this government has to the forest industry when they see the work being done by the MNR's old-growth advisory committee. For over two years the committee has been trying to define an old-growth forest but has yet to come up with a definition.

A meeting in Dryden on November 24 was supposed to be an opportunity for committee members to explain what they were studying. The committee succeeded only in raising the fears of residents in my riding about job loss and forest industry cutbacks because of its inability to provide clear answers to the most fundamental of questions.

This uncertainty, combined with the fact that there is no representation on the committee from west of Thunder Bay, displays a significant flaw in your government's forest policy strategy.

I urge the minister to command the committee to examine the socioeconomic effects on residents, communities and businesses in our part of the province before continuing on with its narrow mandate.

HUMAN RIGHTS LEGISLATION

Mr W. Donald Cousens (Markham): Racism flourishes not only where it is encouraged but where it is tolerated. The only way to prevent it from taking hold in society is to be constantly on guard against those individuals and groups that espouse racial hatred and to crack down on them immediately.

Individuals and groups in our society that promote hate either in verbal or written form, aimed at certain people in our society such as Jewish people, aboriginals or ethnic minorities, do nothing to build tolerance and respect. Encouraged by the lack of government action to stop them, groups such as neo-Nazis and the Christian Heritage Front are allowed to flourish.

The Ontario Human Rights Code grants all of us the right to be protected from discrimination regardless of race, sex, disability or sexual orientation. This right should also be extended to protect all of us from hate propaganda.

In June 1993, I introduced Bill 55, An Act to amend

the Human Rights Code. This was in response to the rise in crimes of hate and hate propaganda that is epidemic in our communities. Since then, the debate on the issue of hate propaganda has grown. Many have discussed the issue with me and I have listened. The debate has largely focused on the balance between freedom of expression and the right to be protected from discrimination and hate propaganda. It is a difficult balance to achieve.

Encouraged by all the response to my bill, I have taken all points of view into consideration. The end result is that while this bill stimulated the debate on how to protect all of us from hate propaganda, it could not achieve the balance.

I respect the need for freedom of expression. Yet I must question how in our society we allow hatred of others to grow, and I must caution against this.

The Speaker (Hon David Warner): The member's time has expired.

Mr Cousens: Can I just have one final paragraph?

The Speaker: Agreed? Agreed.

Mr Cousens: All of us must take up the cause of finding a way to protect people from hate propaganda. The challenge to do this now rests with each of us. Bill 55 will die on the order paper because it failed to balance the need for freedom of expression and protection from hate. We must continue to find a solution to this issue. It will not be easy but we must try.

JOBS ONTARIO YOUTH

Ms Zanana L. Akande (St Andrew-St Patrick): The results are in, and I am pleased to report today that the 1993 Jobs Ontario Youth program was a tremendous success. In total, 6,835 jobs were created, exceeding the program target by 835 positions. More placements than anticipated were created in each of the four cities delivering the program. There were 795 jobs created in Windsor, 588 in Hamilton, 1,097 in Ottawa and 4,355 in the greater Toronto area. In addition, component 2 of Jobs Ontario Youth expanded existing programs in other cities across the province.

The majority of the participants were students, full-time and part-time, but many had left school and had been unable to find work. The program had access and equity goals which were well met. All youth had opportunities to access the program and to find work. Of the 4,311 employers who participated in the program, 46% were in the private sector, 26% were in the public sector and 28% were in not-for-profit organizations.

This government can be proud of its achievement in building this positive employment initiative for the youth of Ontario. I would like to thank the many employers and delivery agencies that made this program such a success, and I would like to congratulate the participants on a summer well spent.

PUBLIC CONSULTATION

Mr Robert Chiarelli (Ottawa West): If governments do not take bold new initiatives to reform the democratic process, the schism between the public and their govern-

ments will continue to widen perilously. As one small step, later today I will be introducing a private member's bill entitled the Citizens Assembly Project Act.

This bill proposes to establish a process for citizens assemblies to be created for the purpose of consulting, researching and preparing legislation in a policy area specified by cabinet on a project-by-project basis.

The concept of a constituent assembly is used to help make public policy and write legislation on a fast-track basis. This process would take traditional royal commissions and task forces well beyond the usual recommendations mode which more often than not adds to public cynicism and ends up collecting dust, having served their non-stated purpose of putting out a political fire-storm.

Government decision-making can no longer be made in one- or two-dimensional settings. Stakeholders and the broader public should all be involved at each stage of the decision-making process with a finite timetable.

The bill represents a small but bold experiment to involve the public more—and the bureaucrats and politicians less—in some aspects of public policy formulation. The bill is a unique experiment to help us break out of our institutional straitjacket and would help to address legitimate and mounting public cynicism with our political institutions.

1340

VICTIM ASSISTANCE

Mr Bill Murdoch (Grey-Owen Sound): The Owen Sound victims assistance program is the only one of its kind in my area and it is extremely valuable to the community.

Volunteers assist victims by giving them emotional support, by explaining courtroom procedures and legal terms, by acting as a go-between with the police and the crown attorney and by referring those needing help to local agencies for counselling and other support services. They are there when the victim needs them, and that in itself is the key to successful crisis intervention.

But this program, and others like it, cannot continue if it does not receive the financial assistance awarded to it in the federal legislation, Bill C-89. Under this legislation, the province was given the power to collect a victim surcharge from those found guilty under the Criminal Code and the Narcotic Control Act.

However, although the province has collected \$830,000 since this legislation came into effect, the money ended up in general revenues, not in the hands of the victims, because the provincial government failed to establish a surcharge fund. Therefore, judges stopped levying these fines. The Attorney General has promised to move ahead in this area but so far nothing has been done. I would ask her to establish as quickly as possible a fund so that fines can be levied with some purpose and to bring in a victim surcharge under the Provincial Offences Act so that all victims in Ontario can get help.

These initiatives would allow programs such as the one in Owen Sound to operate independently without public money. Surely, this government can understand that especially in times of restraint these measures make excellent sense.

LEARN, EXPLORE AND PREPARE

Mr Stephen Owens (Scarborough Centre): I am honoured to introduce a group of very special and courageous women to the House today. These women are participants of a program in Scarborough in my riding, LEAP, which stands for Learn, Explore and Prepare. That is indeed what these women do.

LEAP teaches women who want to further their education or enter the workforce to learn new skills, explore their potential and prepare themselves for new opportunities.

I said that these women were courageous, and they certainly are. It takes a lot of courage to change one's life path, and these women should be recognized for their efforts. So I am delighted to introduce these women to you: Maria Andrade, Juliet Bassoo, Clarice Bennett, Jennifer Cheddie, Dorothy Cornish, Mary Emery, Lucille Frederick, Pam German, Bonnie Henry, Rita Jakobson, Lillian Kielly, Joan Manuel, Trixie Marcozzi, Chris Mattucci, Jean McCauley, Mary Robichaud, Zenia Selig and Frances Wagg.

The instructors who are accompanying these students today are Darlene Watman, Doborah Reixach, Andrea Reynolds and Sue Boyer.

I want you to know that their perseverance and their experience are an inspiration to us all.

BY-ELECTION IN ESSEX SOUTH

Mr Tim Murphy (St George-St David): I couldn't agree more with the member for St Andrew-St Patrick that the results are in, and they're in in Essex South. We're proud to say that the Liberal candidate there got more votes than the government's created with Jobs Ontario.

I'm pleased to be able to say that the newly elected member, Bruce Crozier, is here in the member's gallery today, and also his wife, Joan, and children, Nancy and David. He will be a fine member of this assembly and a great addition.

I think it's interesting, since I think the CBC and the Globe and Mail missed the by-election results, to give a bit of a sense of what happened. I want you to know that some 12,700-odd voters in Essex South voted for Bruce Crozier. It's unfortunate, but the NDP candidate lost his deposit and I'm sad to say that.

The interesting fact is that the results for the Conservative Party were halved. Less than 18% of the people in Essex South voted for Team Harris. That's unfortunate. Despite a large effort by the Conservative Party and numerous trips by the leader, Mike Harris, into the area, their support went down many per cent and came within a few hundred votes of losing their deposit as well.

But I don't want to be partisan. I do want to recognize how great a member we're going to have and I welcome him to the seat next to me.

VIOLENCE AGAINST WOMEN

Mrs Margaret Marland (Mississauga South): Yesterday, all parties of this House paid tribute to the 14 young women who were victims of the Montreal massacre. We also pledged to continue the Ontario government's campaign to halt violence against women.

It is very disturbing then that last month, during the premier episode of the controversial cartoon show *Beavis and Butthead*, the Ontario Lottery Corp ads said they were putting our dollars to work during Wife Assault Prevention Month.

Beavis and Butthead are nasty teenagers who torment girls and hurt animals. The show has been blamed for the death of a little girl whose five-year-old brother set her bed on fire after watching *Beavis and Butthead* saying, "Cool, heh, heh, heh," whenever anything caught fire.

Much of the dialogue in *Beavis and Butthead* is demeaning towards women and girls. Here is an excerpt from the opening episode. The girls referred to are characters on the TV show *Beverly Hills 90210*: "That's not Donna; Donna's the slut. This is Kelly." "No way, dude. Donna's not a slut; she's a virgin. Kelly's the slut."

The sexism of *Beavis and Butthead* is part of a continuum of abuse that at its extreme is manifested in the acts of Marc Lépine, who singled out female students during his killing spree. Surely, then, the Ontario Lottery Corp could have shown more wisdom and sensitivity than to be an advertising sponsor of a show which depicts women in a degrading and insulting manner.

JOB CREATION

Mrs Karen Haslam (Perth): I'm pleased to spend my 90 seconds this week talking about another program that I am pleased to see working in my own riding. We're talking about putting Ontario back to work.

Since its election in 1990, Ontario's government has been fighting the recession by supporting and protecting jobs and services for people by dramatically expanding support for worker training and adjustment and by creating hundreds of thousands of new jobs. Our government has undertaken the largest and most ambitious capital investment and job creation program anywhere in North America. We're investing in putting Ontario back to work.

The NDP government's anti-recession fund spent more than \$900 million for repairs and improvements for schools, community centres, bridges, roads and arenas across Ontario, and created more than 17,000 jobs.

Jobs Ontario Capital: In February 1993, Ontario's government launched a \$6-billion capital investment program for public transit, roads, water treatment, sewers and telecommunications networks. Financed with municipalities and the private sector, it means 100,000 new jobs over the next 10 years. This is the largest and most ambitious capital investment and job creation program anywhere in North America.

Jobs Ontario Training: More than 31,000 jobs for unemployed people have been created so far under this three-year \$1.1-billion program.

Jobs Ontario Youth: \$45 million over the last two years, to create almost 20,000 summer jobs.

ANNUAL REPORT, PROVINCIAL AUDITOR

The Speaker (Hon David Warner): I beg to inform the House that I have today laid upon the table the annual report of the Provincial Auditor of Ontario, covering audits completed through 1993.

VISITOR

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber this afternoon, seated in the Speaker's gallery, the auditor, Mr Erik Peters. Welcome.

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: While you have greeted Mr Peters, it is my opportunity now, on behalf of the Liberal Party, to welcome him officially to the Legislative Assembly, although we've seen him before in front of the Board of Internal Economy and other places as we've dealt with such interesting concepts as the social contract and other things. While we wish him well in his future endeavours, we want to say thank you for a first task completed and accomplished.

The reason I'm extending these hospitable remarks to the auditor is in anticipation that others will join Bruce Crozier on our side of the House so that we can move over to the other side, and so that he will know that the Liberals will be a very cooperative group of people when we administer the province.

The other reason I would like to take a few extra moments is because the Minister of Finance, who is supposed to be here and should be answering questions with respect to the auditor's report, has not yet attended. We understand Mr Rae was to be late, but I must enter at this point a bit of a complaint that we must have the ministers of the crown available for our leader to ask questions of. I would wonder if I could ask you to inquire of the government House leader if the Minister of Finance is going to come in today to face the most unpleasant music.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, to the best of my knowledge the Minister of Finance will be here, yes.

1350

ESTIMATES

Hon Frances Lankin (Minister of Economic Development and Trade): I have a message from His Honour the Lieutenant Governor signed by his own hand.

The Speaker (Hon David Warner): Will the members rise, please.

The Lieutenant Governor transmits estimates of certain sums required for the services of the province for the year ending 31st March 1994 and recommends them to the Legislative Assembly.

Members may be seated.

STATEMENTS BY THE MINISTRY AND RESPONSES

JUDICIAL REVIEW

Hon Marion Boyd (Attorney General): I wish to advise the House that notice of an application for judicial review of the report of the judicial inquiry into the conduct of the Honourable Judge Walter Hryciuk was issued and served upon my ministry on December 2, 1993. In view of this application, it would be inappropriate to proceed to deal with the report in this Legislature at this time, as the report forms the basis of proceedings in this House.

It is my expectation that this matter will be dealt with expeditiously, and I will advise the House when this matter has been disposed of by the courts. As this matter is now before the courts, it would also be inappropriate for me to make further comment.

Mr Cameron Jackson (Burlington South): On a point of order, Mr Speaker: Earlier today, the Minister of Community and Social Services made a substantive announcement regarding social assistance recipients. I wonder why the minister has chosen not to advise the House of these developments.

The Speaker (Hon David Warner): The member will know he does not have a point of order. You may indeed have material for question period, and question period is the next order of business.

ATTENDANCE OF PREMIER AND MINISTER OF FINANCE

Mr Murray J. Elston (Bruce): On a point of order again, Mr Speaker: This is an important day. We all know, when there are statements to be made, how long it's going to take, and we understand that the Premier will be a little bit late, by 15 minutes. We were advised of that. But we were advised that the Treasurer, or the Finance minister, as he wishes now to be called, would be here on time, as would others.

I'm just asking why, if we are to order our business, they can't be here on time. This is not an unusual event. To create order and maintain order, it would be nice if they would meet their obligations to show up to face the music. I wonder if we might have, on unanimous consent, a recess for 15 minutes until those people can get in. I'm asking for unanimous consent.

The Speaker (Hon David Warner): First, the member raises a legitimate request asking for unanimous consent, which indeed I will do in a moment.

I understand the member's concern. The member will know that there is nothing in the rules which would assist me in compelling any member's attendance in the House. The two requirements of there being a quorum in the House and that there be cabinet ministers has been met. Beyond that, there is nothing more I can do as your Speaker.

I will place the question which the honourable member raised, asking for a short recess of 10 minutes. Is that agreed to? I heard at least one negative voice.

Hon Brian A. Charlton (Government House Leader): The normal procedure has been, when there's been a problem around the official opposition or the third-party leader's questions, to stand them down. The Minister of Finance is on his way and will be here within a matter of minutes. Here he is now.

ORAL QUESTIONS ACCOUNTING PRACTICES

Mrs Lyn McLeod (Leader of the Opposition): We have managed to delay the beginning of question period until both the Treasurer and the Premier could be here so we can carry out our role of asking them to be held accountable for the findings of the auditor's report this morning.

Interjections.

The Speaker (Hon David Warner): Order.

Mrs McLeod: My first question will be to the Minister of Finance.

Interjections.

The Speaker: In an effort to conduct an orderly question period, I ask both sides to come to order. I ask the table to restart the clock and the honourable Leader of the Opposition to place her question.

Mrs McLeod: My question is to the Minister of Finance. Minister, this year's auditor's report could not have been much clearer. The auditor says that the province's books are not telling the whole story of the province's debt and that the books have to be fixed. On page 189 of the report the auditor states very clearly, and I quote:

"Our general concern is that legislators and the public are not now being provided the financial information required to help them understand and assess the financial position and results of operations of the government."

In fact, when you follow the auditor's recommendations, the province's deficit for this year would not be shown as \$9.6 billion; it would instead be over \$11 billion, \$1.8 billion higher than what you are reporting right now. Minister, you've had the auditor's recommendations on your bookkeeping for months. Will you now confirm, finally confirm, that the deficit is actually over \$11 billion, \$1.8 billion higher than you report?

Hon Floyd Laughren (Minister of Finance): Thank you. It's nice to be wanted. I really do believe—

Interjections.

The Speaker: Order.

Hon Mr Laughren: Why is the opposition so wrangy today, Mr Speaker?

I really believe that I speak on behalf of every one of my caucus when I—

Interjections.

The Speaker: Order.

Hon Mr Laughren: It's a serious question and I'm trying to give a serious answer, and the opposition is engaging in very loud and persistent heckling. I was just going to say that on behalf of my caucus, I welcome the leader of the official opposition back after a prolonged and unexplained absence, and I want her to know that we are glad to welcome her back in the assembly this afternoon.

Interjections.

The Speaker: Order.

Hon Mr Laughren: The opposition is behaving very strangely today. I don't understand it. With all of this heckling, Mr Speaker, I know you're going to tell me that I'm almost out of time and are not going to give me any more time to answer a serious question.

Interjection.

Hon Mr Laughren: No, I'm quite happy to answer the leader of the official opposition and tell her that when the Provincial Auditor was appointed to his job—and I know he's here today and will measure my words carefully. When the Provincial Auditor was appointed to

his position he indicated to us that he wished to have the traditional way in which the financial statements of this government were reported be changed to be in accordance with the public service accounting and auditing board. We agree with him and have committed ourselves to do that, completely, in the financial statements at the earliest opportunity.

The Speaker: Could the minister conclude his response please.

Hon Mr Laughren: I would just say to the leader of the official opposition that the way we've reported our books is exactly the way her government reported the books when they were in office.

Mrs McLeod: I cannot believe that on this day, when the auditor has brought in a report which clearly says to this government that it has been doing nothing less than misrepresenting the figures as it presents them to the public, the Treasurer would attempt to make light of our questions.

This is the government that has brought in a budget that for the first time in Ontario's history has caused the auditor to refuse to sign the statement of accounts. In the private sector, I would suggest, if the auditor refused to sign the books, the shareholders would demand the resignation of the management.

This is not just an occurrence of today. In the spring of 1992, I wrote to the Provincial Auditor and I asked him to respond to our concerns that the deficit projections of the government for that year were nothing but smoke and mirrors. The auditor's report clearly shares all of the concerns we identified that this province's debts are not being properly accounted for.

1400

Interjections.

The Speaker: I ask the House to come to order. Would the leader place her supplementary, please.

Mrs McLeod: Once again, I assure the Premier I will be happy at any time to change positions and be held accountable for what we have done and what we will do. The issue today is what this government has done and is being held accountable for in the auditor's report. I say again that the auditor has been urging this government for three years to change its accounting methods, and it still keeps hiding the facts.

Let me be specific. The auditor's report shows \$1.8 billion in spending and debt that is being hidden from the taxpayers, including \$500 million in delayed pension payments, \$600 million in school capital expenditures, \$500 million in the phantom sale of government buildings and \$200 million of spending hidden under the new capital corporations. This is still happening in this budget, and I ask this minister how he justifies hiding these debts. Will you now change your books to tell the taxpayers of this province what the real deficit is?

Hon Mr Laughren: The leader of the official opposition chooses her words most unfortunately. There is absolutely nothing that is hidden in the way in which this government does business. Let me be perfectly clear about this. All that is in dispute is the accounting methods that are being used. What the Provincial Auditor

has said is that he wishes this province to move to a different kind of accounting than has been done in the past by all governments. So let's not pretend that this government is hiding anything. All of the numbers are right there for anyone to see. Also, we have indicated to the Provincial Auditor, and it's in writing, that we agree with him to move to the new system of accounting. We've agreed to that.

I can tell you, Mr Speaker, there's never been a jurisdiction that I've ever heard of, when the auditor's report came out, in which there were not some changes suggested. I don't mind that from the Provincial Auditor. What I do mind is the leader of the official opposition, whose government went into the election in 1990 saying there was a balanced budget and ended up with a \$3-billion deficit, so she need not preach to me about the way we keep our books.

Interjections.

The Speaker: Order.

Mrs McLeod: It's a nice try, but it won't work. The issue on the table today is the issue of the auditor's report on this government's financing and its reporting of its finances. Debt is debt is debt. We know it, the auditor knows it, the taxpayers know it and the only ones trying to pretend something different are you and the Premier.

Let me quote the auditor. Since you say I am choosing my words carefully, let me use the auditor's words. The auditor says that your preflows and your delayed pension payments are an attempt to manage the deficit. I wouldn't suggest "manage" in the sense of making realistic reductions in the deficit. Let me choose other words, "finesse the figures," because the auditor goes on to say that it is an attempt to manage the deficit. The auditor said—

Interjections.

The Speaker: Order.

Mrs McLeod: Just in case the Premier has not had a chance to read the words the auditor has put in writing, he says that this attempt to manage the deficit "raises doubts concerning the integrity of the accounting process." Those are the auditor's words. The auditor further says that your sale of government buildings is form over substance. The auditor says that the school board, hospital and university capital funding should be shown differently.

Do you agree with the auditor's recommendations? Do you confirm that your real deficit is in fact closer to \$11 billion and will you report it accordingly?

Hon Mr Laughren: I guess I need to say this more than once. The Provincial Auditor did not refuse to sign the books and for the leader of the official opposition to keep repeating that is really unfair. It is really unfair, and I think she does herself a disservice by repeating something that is patently untrue.

Secondly, the Provincial Auditor gave a qualified approval for one item only and, as I recall, it was the deferral of pension payments. The flip side of deferral for members would be preflow, and I would remind the leader of the official opposition that if my memory serves me correct, her Treasurer of the day, when she was in

government, preflowed I think it was an excess of \$1 billion, paid it one year instead of the next year.

If she wants to attach the same kind of condemnation to her former Treasurer as she's attaching to me now, then I can live with that kind of condemnation, because I can tell the leader of the official opposition that the question of preflows and deferrals is exactly the way other governments have done it, exactly the same way.

We have said to the Provincial Auditor that we are prepared to change to the new system of accounting that he is recommending.

Mrs McLeod: I gather that refusal to answer the question is a confirmation of the accuracy of the figures that I've presented.

Interjections.

The Speaker: Order. The leader of the opposition with her second question.

CORRECTIONAL FACILITIES

Mrs Lyn McLeod (Leader of the Opposition): My second question is to the Minister of Correctional Services because indeed there are other issues raised in the auditor's report which we want to address today.

The auditor's report contains a ringing indictment of the cost and the performance of Ontario's jails. It details institutions in which inmates being supervised by non-correctional staff, including a cook in one case, escaped custody. It details a system-wide record of procedures not being followed to ensure that keys are properly safeguarded and a system-wide failure to follow policies for monitoring the movements of inmates.

The auditor's report indicates that recommendations made some four or five years ago to improve compliance with security programs have still not been implemented. As a result of the auditor's report, memos were sent out asking that all superintendents receive a copy of the ministry's security compliance checklist and that they check whether or not their institutions are in compliance.

1410

Minister, how could a system of ensuring security measures be so lax that a memo had to be sent out ensuring that superintendents were aware of the system? How could the system be so poorly run that superintendents actually had to be asked to check if they were in compliance?

Hon David Christopherson (Minister of Correctional Services): First of all, let me say that the provincial institutions in the province of Ontario are secure institutions; they are safe institutions. The auditor's report itself states very clearly that incidents of any breaches of security are not inconsistent with findings of those other institutions across the nation, not just other provinces.

With regard to a couple of the specifics, one of the things that has happened in addition to the memo that the member refers to, and I don't think it's that unusual that memos would be sent out on important matters like security, but there is now in place an annual security review that takes place in each and every institution across the system, and I believe this will again have us in the forefront of ensuring that the kind of security

measures that the public insists upon and needs to have in place are indeed there.

Mrs McLeod: Minister, the fact that we are no less secure than other provinces is hardly a recommendation when the auditor deals with escapes of inmates that result from supervision by non-correctional personnel. I can understand the minister would not have suggested that it was a problem of lack of resources in our correctional institutions.

The auditor's report indicates that Ontario spends 43% more per inmate than the national average; that we have 40% more staff per inmate than the national average; in fact that Ontario has almost one staff person per inmate. Clearly this is a problem of poor management and a waste of resources. We are spending more money. We still have a system in which there are security problems. How do you explain, Minister, that we have more staff than any other province and we still have a system with security problems?

Hon Mr Christopherson: Let me address very directly, since the honourable member raises it twice now, the issue of supervision by, as it is noted in the auditor's report, cooks. Let me say that it is not unusual at all for cooks to receive specialized training that has them qualified to supervise certain inmates who are indeed working in the kitchen. There is nothing unusual about that. Indeed, that is consistent with our policies.

Let me also say with regard to the staff ratios, the auditor points out very clearly that there's a real concern around the efficiency of older institutions. Indeed, some of the older institutions in this system are over 120 years old. The auditor's report says very clearly that when we look at the newer facilities, the newer institutions, not only are the ratios better than the average, but the efficiencies and cost per diems are lower than the average. It's the higher cost and loss of efficiency in the older institutions which I suggest skews the overall numbers in the report.

Mrs McLeod: We agree that the auditor found that the number of critical occurrences, such as escapes and homicides and suicides, in Ontario jails is comparable to those in other jurisdictions. We have no quarrel with that. But we find that the auditor indicates that no real effort has been made to determine whether the system is in any way achieving the goal of motivating offenders towards positive personal change.

So we see a real contrast here between the amount of resources in the system and what the system is providing. We have 40% more staff, we have 43% more staff per inmate and we don't appear to have a better system by any measure. We don't have better security and safety. We don't know if our jails are achieving any long-term positive change in the behaviour of inmates. There are shelves full of studies and reviews in your ministry, and there has been no implementation of the recommendations.

Minister, tell us today, quite simply and quite specifically, what steps you're prepared to take immediately to clean up this situation to ensure that the security procedures in Ontario's jails are enforced and followed.

Hon Mr Christopherson: Let me say first of all that I'm rather disappointed in the questions the honourable member's asking. There are indeed a number of very serious issues that the auditor raises in the report which we have addressed in large part and which I'm prepared to answer here. But I don't think the honourable member's really hitting on those points.

Let me answer her question, however, since she poses it. What are we doing about security? First of all, in the context that our institutions are secure institutions, they are safe institutions and they will stack up against any analysis, against any other institution from coast to coast to coast in the nation of Canada.

Lastly, when it comes to security, we have initiated an annual security review. There is a special security committee that has been formed that reviews all of the reports from all the institutions to determine not only what incidents have taken place, but whether or not as a result of those incidents, we should be looking at making corporate changes.

I would say very directly to the honourable member that security has been, is and always will continue to be a top priority for this ministry.

Mr Michael D. Harris (Nipissing): I'd like to go back to the Minister of Correctional Services and follow up questions that have been asked by the leader of the Liberal Party.

The minister has just finished saying that he is committed and says that our facilities are just as safe as any other province in Canada, and the auditor I think points that out. What we want to know is, why is it that our facilities cost so much more to operate than every other province to have that same degree of security?

Specifically, let me ask you a couple of things: On page 159, the auditor points out that between 1985 and 1988, a three-year period—it's not a partisan thing. I don't think you were in government then, but maybe you want to defend it anyway. Over a three-year period there was a total increase of 190 inmates into the system, 190 more, and yet staff increased over those three years by 1,370. For each new inmate over that three-year period, we hired seven more staff. Why?

Hon Mr Christopherson: First, I would point back to the comment made by the honourable leader of the third party that indeed we weren't in government at that time, so obviously I wasn't the minister at the time. It was, of course, the Liberals who were in government at that time.

However, let me say this, in fairness, to the former ministers who were predecessors of mine: I think it is important, and I think the auditor does point to the fact, that one needs to look at not just the increase in the number of inmates or the fact of how many increases in individuals who are young offenders, but indeed that the federal legislation did require that there be a complete separation of the adult population and the young offender population.

I do think, in fairness to the previous government, that in large part the need to make that separation and the cost of the duplication and the cost to provide the proper

security with separate and new staff would indeed account for a number of those increases.

Mr Harris: This report isn't brand new to you, Minister. What we're interested in here is solving problems. What the auditor is interested in is solving problems, not which party was in power. There's a problem. Why did it happen? How do we fix it?

Seven new staff for each inmate. Let's go back over a 10-year period, because in that period of time there would have been a whole host of ministers responsible but basically the same bureaucracy. The Provincial Auditor found that in the past 10 years the number of inmates in Ontario corrections institutions has increased by 28%. During that same time, operating costs, after adjusting for inflation, have increased by 83%, and the only thing we've heard from you is the implementation of the Young Offenders Act.

Are you telling us today that is the sole reason why costs, after indexing for inflation, went up 83% when the inmate population went up only 28%. Are you satisfied with that explanation? If not, what else is going on there and what are you doing to fix it?

1420

Hon Mr Christopherson: No, indeed; I don't think I suggested in my comments at all that this was the only reason. There are a number of reasons, and the auditor points to them, the largest being that the largest percentage of that cost is of course staffing and also the fact that the older institutions in our system—and unlike other jurisdictions that have already done a modernization program, we have quite a number of institutions that are indeed 120 years old or greater—are very inefficient. I think the numbers in the report talk about two and a half times, that the ratio is two and a half times as much. When you look at the newer facilities, the ratios, the efficiencies, the costs are better than the weighted average for the entire nation and all the provinces and Ontario.

There are a number of other reasons, such as the Askov decision, which added to the entire criminal justice system greatly, and of course an increase in treatment programs. Many members opposite have stood up and asked for more treatment, particularly in the areas of young offenders, and as much as dollars would allow, we have indeed attempted to do that.

Let me end by saying that we have a system that we can be very proud of and that, not only across Canada but across North America, people look to the Ontario correctional system for models to determine how best to do things. They do see us on the cutting edge. What are we doing about these issues? There's already been identified in our multi-year expenditure reduction program a rationalization of the older institutions in an attempt to identify where we can move from older institutions to either regional institutions—

The Speaker (Hon David Warner): Could the minister conclude his response, please.

Hon Mr Christopherson: —or to modernize the older institutions. I believe we have the matters in hand.

Mr Harris: On behalf of the taxpayers of Ontario, let

me ask you this: Have you or has anyone official in your ministry contacted the province of New Brunswick or Saskatchewan or Alberta or Manitoba or PEI or BC or Quebec or Nova Scotia or Newfoundland to find out how it is that they are able to provide, on a per capita basis, the correction facilities that the auditor says are equally as good as ours at far less cost than us? If you have not contacted them as to how they're able to do it so much more efficiently, why have you not?

Hon Mr Christopherson: There are obviously provincial and national conferences of heads of correctional systems that do indeed meet on a regular basis and share information and exchange new technologies and new ideas and new methods of providing such an important service to the public.

Let me point out again to the honourable member, though, that we are only one of I believe two jurisdictions that have the young offenders in the correctional system. Again, that requires more staff. It implies and includes a need for a greater intensity of staff and also to provide programs for young offenders.

Let me also say very clearly again that if you look at our newer facilities—and it's in the report—the newer facilities are not only as efficient as the system the member talks about; they are more efficient than the system that the member talks about. It's when you include the older, inefficient, quite frankly ancient buildings that are in our system that the numbers and the averages start to drop. I've already addressed how we're planning to address that.

The Speaker: New question.

Mr Harris: The auditor has pointed out we're last and worst of every province in the country and you want to defend that.

SCHOOL CURRICULUM

Mr Michael D. Harris (Nipissing): Let me go with my second question to the Minister of Education. In section 3.07 of the auditor's report today, the Provincial Auditor found that the development and the delivery of the curriculum in our schools was not cost-effective, that there was massive duplication of effort. You've had this report now in your ministry for at least several months. Given the very scarce resources that are available for education, could you tell us how much this duplication of effort is costing and what is your plan to end it?

Hon David S. Cooke (Minister of Education and Training): What I can say to the leader of the third party is that I certainly agree that not only the development of curriculum in the province but the whole principle of the need to share services can be extended from one end of this province to the other in the school system, and between the Catholic system and the public school system.

We have been extensively involved with the school boards to develop curriculum consortiums so that they work together. That's particularly obvious in northern Ontario, where they do work together to develop a curriculum, but that has to become the norm. I would extend it much further than just curriculum development. Services, shared personnel—that has to become the name

of the game. Millions of dollars can and need to be saved in our education system.

Mr Harris: Even more disturbing for our parents is the fact that the auditor found that there is not an adequate system in place for determining whether our schools are offering a curriculum which is of consistent quality. He confirmed the findings of previous tests that tell us that our students do not have the knowledge and do not have the skills they need.

Could you explain to me why it is that other provinces score consistently higher in math and science than we do in Ontario? For example, Alberta, as we found out, on a per-pupil basis, is spending far less than we are in Ontario. Our per-pupil cost is far in excess of what they're spending in Alberta and yet, when we finally do the tests, we find out they're first and we're last. How come?

Hon Mr Cooke: First of all, the leader doesn't have to yell the question; I can hear it. But the fact of the matter is that the testing and the evaluation that's going on in the education system in the province of Ontario today under this government is more extensive than it has ever been in the history of the province, because we're determined to make this system accountable to the people of the province.

You will say, "Don't point the fingers," but the fact of the matter is that much of what we're testing now in the province is the product of an education system that you had control over for many, many years. We're doing the best that we can in changing the system, by bringing in a common curriculum for grades 1 to 9, which we've brought in, by bringing in province-wide testing and national testing, by being involved in a national approach to education, to start having some consistency in curriculum across the country.

We're doing a lot in this province to change and improve the education system, which we've had control over for only three years and which you had control over for 42 years.

Mr Harris: Minister, let's deal with the reality we have today. We pushed and we pushed the former government and your government to get into testing, national testing that can be compared nationally and internationally. Let me acknowledge that you finally, when we fired the other Minister of Education, did reverse the policy of the last nine years and start testing.

Now, what I want to know is, what are you doing with the results? What we have discovered is that even in grade 6—when my party left office these kids were about two years old. You can criticize them, if you want, you can go back to George Drew, if you want, but the fact of the matter is that Ontario kids used to stack up better nationally and around the world than they do after the last 10 years. There is just absolutely no question about that.

You can deal with the rhetoric if you want. These kids were two years old when we were in government. Now that we've pushed you into the testing, to get back into the national testing, now that we've pushed you into that, now that you've discovered that, in spite of the fact that

we spend far more money than Alberta, our kids are not doing as well, I want to know, what are you doing about it on behalf of taxpayers, on behalf of parents and on behalf of the students in this province?

Hon Mr Cooke: I think it's rather simplistic to just compare and say Alberta versus Ontario. You know as well as I do that we have a very, very diverse and different population that offers us some very different challenges in the education system.

But don't tell me that you pushed us into making the education system more accountable in the province of Ontario. For 42 years you resisted accountability. You fluffed it off to the local level and you did nothing to keep Ontario's education system modern, to meet the challenges of the 1970s and the 1980s. You may want to look back at the good old days, but the good old days were not so hot in this province under your government.

1430

Interjections.

The Speaker: Order.

Hon Mr Cooke: What we're trying to do is make the system more accountable, and we'll do it.

Interjections.

The Speaker: It's a good thing the minister wasn't provocative.

WORKERS' COMPENSATION BOARD

Mr Steven W. Mahoney (Mississauga West): My question is to the Minister of Labour. Chapter 3.21 of the auditor's report deals with the unfunded liability at the Workers' Compensation Board. The auditor points out that more than a year has elapsed since the WCB conducted an exercise to outline possible approaches to future funding. To quote:

"The absence of a defined board strategy for the unfunded liability and insufficient action to manage and control this liability would have a negative impact on the future of the workers' compensation system."

The auditor recommends, "We recommend that a strategy to deal with the unfunded liability be developed and implemented as quickly and effectively as possible."

Your vice-chair, Mr Brian King, says, "The board of directors hopes to develop and adopt a strategic plan by late 1993 or early 1994."

Minister, we can't get much later in 1993 than where we are right now. Will you assure this House that your board at the WCB and your vice-chair will indeed develop and adopt a strategy to deal with its unfunded liability as quickly as humanly possible?

Hon Bob Mackenzie (Minister of Labour): I can tell the honourable member that yes, that's one of the things we're working on, and we'll do it as quickly as we can.

Mr Mahoney: Well, at least he didn't pass it off as being arm's-length. It's nice to know that perhaps you're trying to do something.

I want to follow up on an additional question. The vice-chair goes on to say, "The board of directors"—and this is somewhat ironic, considering what we were talking about yesterday about the rate increases—"has set tighter targets on costs rather than increase assessment rates."

I recognize that for the year past, but yesterday of course we saw increases in excess of 25% for over 27,000 companies. We know that costs have gone up by 50%. We know that claims are down by 30%. I don't know what the board has been doing, Mr Minister. I don't know what you've been doing. We need some assurance that you're going to take the bull by the horns in this.

The auditor points out that the workers' compensation system is in serious jeopardy due to the lack of a strategy by the board. Minister, will you give us a target date? When are you going to come into this House with a plan and get this thing in order and clean up this mess at the Workers' Compensation Board?

Hon Mr Mackenzie: When the member across the way starts talking about those businesses that are facing increases as a result of a reclassification at the board, I wish he would deal with the logging industry, which is down 3%; the nickel mines, which are down 6%; primary smelting and refining industries, which are down 22%; hospitals, which are down 8%. I never hear of the 50,000 businesses that are seeing decreases in their charges for WCB.

When it comes to trying to come up with the answer to the unfunded liability, the government across the way started in 1984. That fell out of place a bit with the economic recession we've had over the last period of time, and it's one of the things we will be dealing with as quickly as we can.

TEACHERS' DISPUTE

Mr Ernie L. Eves (Parry Sound): I have a question for the Minister of Education. As the Minister of Education will know, the east Parry Sound secondary panel strike is now in its 20th instructional day in a semester system. The minister will also know that last Friday, a day and a half of mediation broke off.

It was suggested to both parties by the Education Relations Commission that they adopt a dispute-settling mechanism similar to your legislation, sir, in the elementary strike. The board agreed. The teachers declined. Are you going to introduce legislation to terminate this dispute?

Hon David S. Cooke (Minister of Education and Training): In my view, and I've communicated this to the board and the teachers, there is no reason why the schools cannot be open tomorrow. The teachers should agree to the package that was presented in the legislation at the elementary level. That was communicated very clearly to the federation and I expect a response from it today.

Mr Eves: I agree with everything the minister just said, but the reality is that the Legislature's going to be adjourning in a few short days. The reality is the teachers did not accept that proposal last Friday when the talks broke off. The ERC is about as blunt and direct as I've ever seen it be in its press release of last Friday. Why will you not bring in back-to-work legislation?

The teachers were given that opportunity; they declined. Will you, sir, now assume your responsibility and put these students back in the classroom so we don't

have to come back here in the middle of January to legislate them and other students back?

Hon Mr Cooke: First of all, I have not received a report from the Education Relations Commission, and the member knows the law, knows the process.

I have directly communicated, as has the Education Relations Commission, with the board and the OSSTF, and I'm hoping there will be a decision from the teachers that will accept the proposal that was in the legislation last week. I hope that decision will come today. I'm losing my patience, just as you are.

POLICE SERVICES

Mr Larry O'Connor (Durham-York): My question is to the Solicitor General. Mr Minister, are you aware that in this House I've been presenting petition after petition on the concern about the closure of the Beaverton OPP detachment, and are you aware that these officers patrol Highways 48 and 12 and that the closing of this could have a detrimental effect on my constituents?

Hon David Christopherson (Solicitor General): Let me first acknowledge and compliment the member for Durham-York for his tenacity on this issue and constantly talking to me on behalf of his constituents and their concerns.

I am of course aware of the OPP review of the operations at the Beaverton detachment and the review to determine whether savings can be achieved by having those services provided from other detachments. Let me say, however, that in doing that review, the OPP has consistently remained committed to ensuring that all of the communities we serve receive the kind of service and the kind of response time that is in their interests and that they deserve to have. I'm confident that the OPP will also do this in this regard and that the residents will be, as is OPP policy, an integral part of the review process, to ensure that their concerns are being addressed.

Mr O'Connor: Minister, I appreciate that. Part of the difficulty I have is that the OPP detachment there has been very involved in the community. They've got a community policing program that I think is second to none. They've been involved in many elements of safety in the community. They've been involved with the committee trying to develop a coordinated response for domestic assault situations. The community policing program I think is very integral and key to the community. Minister, would you ensure that this is going to remain a part of the community? There's a meeting tomorrow night on this very issue.

Hon Mr Christopherson: Let me say without hesitation that the commitment of the OPP to community policing, where we are now present across Ontario, is a priority, and that yes, he has the commitment that the type of involvement the OPP has in our communities in moving to a broader scope of community policing will indeed not only remain but will expand as we move into the new type of policing in Ontario that is necessary to meet the needs of fiscal constraint but also the expanding needs of our communities at the community level.

On the last issue, let me just say to the honourable member that I'm advised there will indeed be a senior

OPP officer present at his town hall meeting this evening.
CHILDREN'S SERVICES

Mr Charles Beer (York North): My question is to the Minister of Community and Social Services with respect to the provision of children's services. The auditor in a number of instances in his report comments on this area—and this happening on the morning when we learn that the Institute for the Prevention of Child Abuse has had its budget cut. I know the minister wants to ensure that children in this province are receiving the kinds of services they need.

1440

Minister, on page 40 the auditor deals specifically with the child and family intervention services program. He notes that the demand for services far exceeds the services available and that many agencies have extensive waiting lists. But he then goes on to note: "The ministry does not collect, consolidate, or monitor waiting list information, and agencies are not required to report this data. However, data maintained by 20 of the agencies we tested indicated that approximately 1,500 children were on their waiting lists."

Finally, the auditor says, "There is also no general prioritization to determine which children are most in need."

My question to the minister is simply this: Can you tell us that starting today the Ministry of Community and Social Services will collect, consolidate and monitor information, and can you tell us how you will do that and ensure that those kids most in need will in fact get those services?

Hon Tony Silipo (Minister of Community and Social Services): I think it's useful to have the observations of the auditor in a situation like this because, as the member will know, as he has also been in the position that I am, the issue of addressing a waiting list in any given program, and certainly in this one, is on the one hand a very sensitive issue and on the other hand an issue to which there probably, at the end of the day, is never a complete answer in terms of ever being able to say that one has met all of the needs out there for all of the young people who are out there.

Certainly we will look very carefully at the recommendations made by the auditor. In the ministry response that's outlined in the report on the same page the member read from there's an indication that, through the policy framework of children's services, we are looking at how to target resources in a better way. Some of that work, I can tell the member, is well under way, and certainly the issue of monitoring and looking at the question of waiting lists will be part of the work we will want to pursue. It is important, to the extent that we can, that we also give some sense out there, working with the agencies, that we in fact are aware of the extent of the needs that need to be met and are working with our agencies to try to cater to and to focus the resources we have—

The Speaker (Hon David Warner): Could the minister conclude his response, please.

Hon Mr Silipo: —in the most effective way possible.

Mr Beer: The question is important, because one of

the comments the auditor made during the discussion of his report earlier today was that he was concerned about the lack of knowledge that he felt the ministry had in being able to make decisions.

Minister, this leads me to my second question, because again in the auditor's report mention is made on several occasions of the document Children First. For three years we have been waiting for this government to come forward with a comprehensive, integrated program for the coordination of children's services, and for three years nothing has happened.

When you look at the comments made by the auditor, when you look at articles that have been in the press and on television over the course of the last several months regarding the whole area of the provision of children's services, what we are crying out for and what we need is for this government to come forward with an integrated approach to children's services.

Minister, you would have the support, I know, both of the Liberal and Conservative caucuses in dealing—

The Speaker: Could the member conclude his question, please.

Mr Beer: —with this issue and acting positively. Can you tell this House when you will be coming back with a comprehensive, integrated program for the provision of children's services?

Hon Mr Silipo: I don't think it's a question of picking a point in time and saying, "Now we've got the

fully integrated plan." I think it's a question of continuing to work our way through a number of initiatives including, as the member knows, the policy framework, which we are now not just talking about but which we are using as a tool in working with our agencies locally to address many of the concerns and issues that were put before us through the Children First document.

I think that's a more effective way of ensuring that we are not simply talking about this issue but that in the local planning that's going on at the area level of the ministry and working with the agencies, in fact that planning is happening on a year-to-year basis.

The Speaker: Order, please. Could I ask all members if they would quietly yet quickly move by the front door. Please do not use the government lobby. Would you go down the main staircase and out of the building. We have a concern with respect to safety. Would all visitors in the galleries please move immediately.

The House recessed from 1446 to 1652.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I would suggest that perhaps we consider an additional 15-minute recess while members get back in for the resumption of the proceedings.

The Speaker: I realize it's a bit awkward. Is that agreeable? Agreed. We are recessed for 15 minutes.

The House recessed from 1652 to 1707.

Report continues in volume B.

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Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Tuesday 7 December 1993

Report continued from volume A.

1707

ORDER OF BUSINESS

Hon Brian A. Charlton (Government House Leader): The House leader for the third party has just arrived. The House leader for the official opposition and I have been talking. We had considered the possibility of waiving the rest of question period, sitting down with the House leader for the third party and making some alternative arrangements around their non-confidence motion, which we were supposed to be debating this afternoon, and moving into routine proceedings through to orders of the day and then proceeding from there.

The Speaker (Hon David Warner): Is this an arrangement which has been agreed to by the three House leaders?

Hon Mr Charlton: The third party to the suggestion I've made just walked into the House, as you're aware, Mr Speaker. I believe it's okay and I'm seeking consent. He's shaking his head yes. I believe we have agreement to waive the rest of question period, move through routine proceedings to the vote, which is supposed to occur before orders of the day, and then into orders of the day.

The Speaker: Is that agreed? Agreed. If the three House leaders could use a few more minutes to discuss these items in order to reach some arrangements and accommodations.

Mrs Elinor Caplan (Oriole): On a point of order, Mr Speaker: It just might be appropriate if you took a minute to explain to people watching what's happened so that they'll understand what's going on.

The Speaker: For the benefit of the members, we had to call a recess due to a security concern. Understandably, it's awkward for all members to know precisely when they needed to be back here. We did ring the bells, but of course members were advised to move away from the building and, under the circumstances, the three House leaders, in an effort to accommodate the public business, need a few minutes to reach an accommodation that will be agreeable to all three parties. We now have such an agreement.

Hon Mr Charlton: I believe we now have an agreement to waive the rest of question period, to proceed through routine proceedings to the vote that occurs before orders of the day, and then orders of the day.

The Speaker: Agreed? Agreed.

Petitions. The member for Brant-Haldimand.

Mr Ron Eddy (Brant-Haldimand): Thank you, Mr Speaker. I was—

Mr Leo Jordan (Lanark-Renfrew): On a point of privilege, Mr Speaker: I just want to make clear that my question was to be put when the decision was made that we would leave the Legislative Assembly, and I want to make clear to you that my question was relative to the eastern Ontario summit and 175 delegates.

The Speaker: To the member for Lanark-Renfrew, would the member please take his seat. I understand the member's concern, and indeed whoever draws up the question list has probably noted your concern as well.

Petitions. The member for Brant-Haldimand.

Mr Eddy: I have a petition to—

The Speaker: Order. This has been a very difficult afternoon. I would ask members for their cooperation. To the member for Brant-Haldimand, when a member raises a point of privilege and the Chair trusts that it's serious, then there's an obligation on the person who has the floor. The member for Mississauga South with a point of privilege.

SECURITY SERVICE

Mrs Margaret Marland (Mississauga South): Mr Speaker, my point of privilege is this: When we have an incident as we did this afternoon with the bomb scare—

Mr Chris Stockwell (Etobicoke West): What?

Mrs Marland: It has been of course referred to in the news media, so I'm not saying anything that isn't out in the public. But when this takes place in this building, we have to be very grateful for the unsung heroes who very quickly and expeditiously look after our safety and then go to the root of the problem. I think sometimes when we have these evacuations, we never come back and say thank you to Tom Stelling and the OPP officers who are there to protect us in these kinds of circumstances, and I do thank them on behalf of all of us.

The Speaker (Hon David Warner): Indeed, while the member does not have a point of privilege, her point of commendation is well taken. Under the direction of our Sergeant at Arms and indeed our security officers, the evacuation was handled expeditiously and without incident, and the matter was attended to quite well by our security forces, again under the capable direction of our Sergeant at Arms, for which I too am most grateful.

PETITIONS

WASTE MANAGEMENT

Mr Ron Eddy (Brant-Haldimand): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ministry of Environment mandates that all municipalities (whether upper- or lower-tier) which require to expand or relocate municipal sanitary landfill sites must conduct a waste management environmental assessment study; and

"Whereas it is the policy of the Ministry of Environment to assist in funding these studies at the upper-tier level of local government only; and

"Whereas of the 830 municipalities in Ontario, only 39 are upper-tier municipalities organized at the regional or county level;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of Environment to cease this discriminatory policy and give funding assistance to all municipalities that are required to conduct a waste management environmental assessment study, and

that this funding be made retroactive where applicable."

It's signed by 212 residents of my constituency, and I've affixed my signature.

TAXATION

Mr Chris Stockwell (Etobicoke West): "To the Legislative Assembly:

"We, the undersigned, petition the government of Ontario that,

"Whereas the government of Ontario has introduced over \$3 billion in new taxes; and

"Whereas the government has continued to mismanage the economy; and"—whereas they have been solely responsible for this bomb scare—

"Whereas new taxes will only further hurt business in Ontario;

"The government of Ontario should cancel any new tax initiatives and place more emphasis on reducing wasteful spending."

I affix my signature to this.

SEXUAL ORIENTATION

Mr Peter North (Elgin): I have a petition, which reads as follows:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and may include sadomasochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all such references should be removed from the code."

Mr Randy R. Hope (Chatham-Kent): I have a petition that was circulated in the riding of Chatham-Kent. Accompanied with the petition is a letter addressed to Michael Harris, both dealing with Bills 45 and 55. Those constituents of Chatham-Kent are asking that we refrain from the passage of Bill 55 and Bill 45. On their behalf, I present them.

TAXATION

Mr James J. Bradley (St Catharines): This petition is to the Legislative Assembly.

"We, the undersigned, petition the government of Ontario that,

"Whereas the government of Ontario has introduced over \$3 billion in new taxes; and

"Whereas the government has continued to mismanage the economy; and

"Whereas new taxes will only further hurt business in Ontario;

"The government of Ontario should cancel any new tax initiatives and place more emphasis on reducing wasteful spending."

I wish to affix my signature to this petition.

SEXUAL ORIENTATION

Mr Peter North (Elgin): I have a number of petitions here in opposition to Bill 55.

"Bill 55 will make it illegal, with fines of up to \$50,000, for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation, still undefined. This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion, against historical Christianity, which does not condone homosexuality.

"We want to maintain our basic right to disagree with homosexuality, which in no way should be equated with hatred."

Mrs Irene Mathysen (Middlesex): I have a petition here from several hundred Middlesex residents who respectfully ask that the opposition Bills 45 and 55 be withdrawn.

Mr Donald Abel (Wentworth North): I have two petitions here, one from the Free Reformed Church, and it's sent to me by Mr J. Bargeman, who is the clerk of that particular church, and also from Pete Feijer, who both send these to me in opposition to the Liberal Bill 45 and the Tory Bill 55, which I submit.

1720

VISITOR

The Speaker (Hon David Warner): Before calling for reports by committees, I invite all members to welcome to our chamber this afternoon, seated in the members' gallery west, the former member for Cambridge, Mr Bill Barlow. Welcome.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr Cooper from the standing committee on resources development presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill 80, An Act to amend the Labour Relations Act /
Projet de loi 80, Loi modifiant la Loi sur les relations de travail.

The Speaker (Hon David Warner): Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated November 25, 1993, this bill is ordered for third reading.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Cordiano from the standing committee on public accounts presented the committee's report and moved the adoption of its recommendations.

The Speaker (Hon David Warner): Does the member wish to make a brief statement?

Mr Joseph Cordiano (Lawrence): I would just like

to thank all the members of the committee for their participation. This report, as well as the report on non-profit housing, I think marked for the committee a process whereby the committee worked with the ministry in an effort to get the ministry's participation in the recommendation process and an evaluation of the report. I believe this interim report goes a long way to pointing a direction for the ministry and I believe that cooperative effort is something the committee will pursue in its final recommendation and report to the House some time in the new year.

Mr Speaker, I move adjournment of the debate.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr Marchese from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill 79, An Act to provide for Employment Equity for Aboriginal People, People with Disabilities, Members of Racial Minorities and Women / *Projet de loi 79, Loi prévoyant l'équité en matière d'emploi pour les autochtones, les personnes handicapées, les membres des minorités raciales et les femmes.*

The Speaker (Hon David Warner): Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated December 1, 1993, this bill is ordered for third reading.

INTRODUCTION OF BILLS CITIZENS ASSEMBLY PROJECT ACT, 1993 LOI DE 1993 SUR LE PROJET D'ASSEMBLÉE DE CITOYENS

On motion by Mr Chiarelli, the following bill was given first reading:

Bill 132, An Act to provide for the establishment of citizens assemblies and the expedited consideration by the Legislative Assembly of legislation prepared by citizens assemblies / *Projet de loi 132, Loi prévoyant la mise sur pied d'assemblées de citoyens et une procédure accélérée pour l'étude, par l'Assemblée législative, des projets de loi rédigés par ces assemblées.*

Mr Robert Chiarelli (Ottawa West): The bill establishes a pilot project whereby certain public policy issues defined by the Lieutenant Governor in Council would be examined by citizens assemblies established under the bill with a view to preparing legislation for consideration by the Legislative Assembly in accordance with the expedited procedure set out in the bill.

INCOME TAX AMENDMENT ACT, 1993 LOI DE 1993 MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU

Deferred vote on the motion for second reading of Bill 31, An Act to amend the Income Tax Act / *Projet de loi 31, Loi modifiant la Loi de l'impôt sur le revenu.*

The Speaker (Hon David Warner): Before calling orders of the day, we have a deferred vote on second

reading of Bill 31, An Act to amend the Income Tax Act. There is a five-minute bell. Call in the members.

The division bells rang from 1726 to 1731.

The Speaker: Would all members please take their seats. Mr Laughren moved second reading of Bill 31, An Act to amend the Income Tax Act. All those in favour of Mr Laughren's motion should please rise one by one.

Ayes

Abel, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Farnan, Ferguson, Fletcher, Frankford, Gigantes, Grier, Haeck, Hampton, Hansen, Harrington, Haslam, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Laughren, Mackenzie, Malkowski, Mammoliti, Marchese, Martel, Martin, Mathysen, Morrow, Murdock (Sudbury), O'Connor, Owens, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rizzo, Silipo, Sutherland, Swarbrick, Ward, Wark-Martyn, Wessinger, White, Wildman, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziemba.

The Speaker: All those opposed to Mr Laughren's motion will please rise one by one.

Nays

Bradley, Caplan, Chiarelli, Cleary, Conway, Cordiano, Cousens, Daigeler, Eddy, Elston, Eves, Fawcett, Harnick, Harris, Johnson (Don Mills), Kwinter, Marland, Murdoch (Grey-Owen Sound), North, O'Neill (Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Ramsay, Runciman, Sola, Stockwell, Sullivan, Turnbull, Villeneuve, Wilson (Simcoe West).

The Speaker: The ayes being 61, the nays 30, I declare the motion carried.

Shall the bill be ordered for third reading? Agreed. So ordered.

Before proceeding, two items: First, due to the unusual nature of the afternoon, the cafeteria will remain open until 7 o'clock.

VISITOR

The Speaker (Hon David Warner): Seated in our members' gallery west, a newly elected member of Parliament for the riding of Bruce-Grey. Please welcome Mr Ovid Jackson.

COMMITTEE SITTINGS

Hon Brian A. Charlton (Government House Leader): Mr Speaker, just before I call the first order, there are two matters which the three House leaders have been discussing, also as a result of the disruption that we had this afternoon, regarding two of our committees. I believe we have agreement on both of these items.

The first item deals with Bill 100, which is in the standing committee on social development. I think we have an agreement and seek consent to authorize the social development committee to sit tomorrow under the same terms and conditions as were set out in the time allocation motion associated with the completion of the committee stage of that bill.

The Speaker (Hon David Warner): Agreed? Agreed.

Hon Mr Charlton: Secondly, Mr Speaker, I think—

Mr Murray J. Elston (Bruce): And that it be dealt with on Monday.

Hon Mr Charlton: Third reading will occur likely on Monday, when we can get the bill reprinted.

Secondly, I think we have reached agreement to authorize the standing committee on administration of justice to sit from 4 pm to 6 pm tomorrow to consider the matter of a teachers' pension technical briefing, which had been agreed by motion in this House the other day.

The Speaker: Agreed? Agreed.

EMERGENCY EVACUATION

Mr Ron Eddy (Brant-Haldimand): On a point of order, Mr Speaker: This House has proceeded in a manner as if nothing has happened. Something has happened. I don't want to wait till tomorrow morning to read the newspaper. What has happened? What is the result of what has happened? May I please have some information? I've been evicted from my place of work and I want to know why.

The Speaker (Hon David Warner): The member for Brant-Haldimand indeed raises a legitimate point of order. I can tell the member that we had a bomb scare. In fact, on two occasions we had received a telephone call that a bomb would be detonated at a particular time, and the security were able to locate an unidentified package. It was their considered advice that extreme caution should be used, so hence they recommended that we evacuate as soon as possible, which we did. The bomb squad were called. They came to conduct their examination and, fortunately for all concerned, it was not an explosive device.

I appreciate that at the time, due to the natural confusion and so on, it was not possible to inform all members as to precisely what was happening, but I do appreciate the fact that the member raised the point of order. If there are further details available tomorrow, after the report—there will be a report which will come through the Sergeant at Arms, will come to my desk, and if there are more details, I'll be more than happy to share those details with all members of the House.

Mr Eddy: Thank you very much, Mr Speaker, because my wife is really concerned whether I survived or did not survive.

The Speaker: It would appear that you survived.
1740

VISITOR

The Speaker (Hon David Warner): Members may wish to also extend a welcome to a former MPP for the riding of Grey who is with us and seated in the members' gallery west, Mr Ron Lipsett.

Now to the business at hand.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT (DIMENSIONS AND WEIGHT), 1993

LOI DE 1993 MODIFIANT LE CODE DE LA ROUTE (DIMENSIONS ET POIDS)

Resuming the adjourned debate on the motion for second reading of Bill 74, An Act to amend the Highway Traffic Act / Projet de loi 74, Loi modifiant le Code de la route.

The Speaker (Hon David Warner): The Minister of Transportation.

Hon Gilles Pouliot (Minister of Transportation): Mr Speaker, you will recall that I had the privilege, it being close to 6 of the clock, to adjourn the debate, and coincidence has it that it was also the conclusion of my opening remarks on Bill 74.

The Speaker: The Minister of Transportation has completed his remarks. Are there questions and/or comments?

Mr James J. Bradley (St Catharines): Very briefly—this is a two-minute observation on this bill—I must indicate to the minister that I think there is a consensus of support among the three parties on this.

I must express the viewpoint that there are many people in the city of St Catharines who are not happy with the longer trucks. They are people who travel the highways of the province of Ontario. They are very hopeful that the minister would ensure, in whatever way he can, that despite the fact that the trucks will be longer, the safety factors will be maintained on our highways.

Anyone who drives the highways, as many of us do back and forth between our residences and Toronto, knows that there's a lot of traffic these days. Those who are operators of commercial vehicles are often required to put the brakes on or take some evasive action at various times, particularly in the winter. It is the feeling of many of my constituents that the longer the vehicle, the less chance there is of being able to manoeuvre it to avoid an accident and the more chance there is of an accident.

I will be looking this afternoon for some assuring words from the Minister of Transportation that the safety of people on the highway can be preserved despite the fact we have longer vehicles on the highway. People who have to pass these vehicles, if they're in the right lane and they're in a situation where there is a lot of rain or a good deal of slush on the highway and the vehicle, a car in this case, is going past one of these longer vehicles—we know there's a spray on the windshield. There's a good deal of concern about the safety.

As I say, I think there's a consensus in the House that for reasons of a competitive industry, this bill will in fact be passing. But I would look for that assurance from the minister that we're not going to have a new rash of accidents on our highways.

Mr Sean G. Conway (Renfrew North): I have not been involved to any great extent in this subject, but I do want to agree with the member for St Catharines. I know there are a variety of accords that the governments of Ontario and the adjoining states and provinces have entered into. One has only to look at the map of southern Ontario and see how we jut into the Great Lakes basin. I understand from my time here in public life that we're not an island unto ourselves.

Having said all of that, I want to say that I have been approached on a number of occasions by a number of my constituents who are increasingly worried about the point the member for St Catharines has raised. On their behalf, I just simply want to make the point.

I think it is well known that I have spent a great deal

of my life on the highways of Ontario and a great deal, too much time, on Highways 400 and 401, particularly the 401 east of Toronto. I'm not generally viewed as a shrinking violet on the highways, but I've got to tell you that the point Mr Bradley makes is a good one, that there is a war on out there.

When I say "war," let me rephrase that. It is to me as well as to others a real concern that at 11 o'clock at night, on a dark, rainy or snowy night, as it was last night when I was coming into Toronto on the 401, the volume of truck traffic is up, for reasons that we all understand. But I've got to tell you that I do not personally believe that an increase in the number of trucks and an increase in the allowable size and length of trucks are going to improve road safety. It may in fact be a necessary requirement of doing business in the 1990s, and that I understand, but I simply want to say on my behalf and on behalf of a number of my constituents in Renfrew North that this whole business of increasing the size of trucks is a concern around road safety.

Mr Randy R. Hope (Chatham-Kent): To the minister, as we deal with longer trucks and the issue, I just want to thank the minister for his cooperation in working with a number of us government members who have worked in the field working with trucks, both driving them and building the brakes.

To address the safety issue that I heard the two members opposite indicate, I know the minister and his staff worked very closely with a number of us to address those concerns; also the minister's cooperation in working with the business community because of this just-in-time theory that is there. So, to the minister, I know he's worked very closely with a number of the government members in working at the issue of longer trailers, making sure our roads are safer but also trying to address the issues that some of us cherish: making sure that, number one, the industries themselves wouldn't be devastated by a change in the trucking industry, and also allowing our truck drivers to have a more competitive edge and an equal competitive edge with the US market. On behalf of especially myself and my colleagues on the government side, we thank you for your cooperation in addressing the safety issues that are there on behalf of our constituents.

The Speaker: Questions or comments? Seeing none, the minister has up to two minutes for his reply.

Hon Mr Pouliot: I'd like to thank Mr Hope for his kindness and generosity towards the cooperation from both our political and of course the ministry staff.

Whenever we mention a new configuration, in this case longer trucks, it brings out from consumers and from critics opposite what is a normal, what is a rational, substantial question. For reasons, it tends to paint a negative picture of what we're talking about here.

It's a competitive issue, without sacrificing, to make sure—and we did—that the safety aspect would be respected to its fullest. In fact, it's an opportunity to enhance it. Let me share with you some examples.

A longer wheel base is safer, with less opportunity to jackknife. By going from 48 to 53 feet, people will buy

trucks. They've been holding back in anticipation of the new law. Newer trucks are safer. With the overall payload remaining the same, you can't carry any more weight, but your distribution on axle weight therefore becomes more equal, more even. That's also a safety feature. With 10% more volume, you have fewer trucks on the highway. Newer trucks also allow you the opportunity to buy an automatic brake adjuster, which would reduce the rate of faulty brakes from 33% to a more acceptable—not acceptable, but a more acceptable—9%.

All those six safety features will become reality—

The Speaker: The member's time has expired.

Hon Mr Pouliot: —when we unanimously pass this bill, as we shall.

The Speaker: Is there further debate? I recognize the honourable member for Nepean.

Mr Hans Daigeler (Nepean): Thank you very much, Mr Speaker. When you explained what happened in this House this afternoon, I thought perhaps you were going to give as an explanation that the House was so afraid the minister might start his usual very elaborate and very eloquent speeches that everybody fled this holy place. But I guess this was not the case and the minister, perhaps in due consideration of what happened this afternoon, decided to speak very, very briefly.

On this matter of the longer trucks, perhaps it was a good thing the minister did not speak too long, because there are other views as well. I will in fact remind the minister of some of the views his party used to represent in this House on this particular item.

1750

Before I do so, I would like to say that I'm glad we are having an opportunity to debate this Bill 74, the so-called longer truck bill, still before Christmas, and presumably that we will be able to pass it before Christmas. There was a great deal of concern, frankly, by the Ontario Trucking Association and its representatives that we might not be able to get to this bill. However, on behalf of my party, I assured the trucking association that we were certainly interested in dealing with this matter as quickly as possible.

Why am I saying this? Well, the government, about two weeks ago, had planned to put what's called an omnibus legislation forward, putting the graduated licences, the longer trucks, longer buses—everything—and a number of smaller, minor, what they call housekeeping amendments all into one bill and to call that. Our House leader had been burned on a number of other occasions where some very controversial items have been put together in one bill, forcing the opposition, both the official opposition and the third party, to vote one way on all of these matters even though perhaps they would have liked to support one but not the other, or the other way round.

We felt it was extremely important for us to make clear that these bills, like graduated licences and longer trucks, while they're coming from the Ministry of Transportation—and that's perhaps the only link between the two—are clearly two very separate items that deserve to be and should be discussed separately in this House. To the credit of our House leader, he succeeded in convinc-

ing the House leader of the government to separate these bills and not come forward with an omnibus bill.

As soon as the trucking association heard about this, they were very concerned that perhaps we might not be able to deal with this bill before the House rises. I assured them, certainly on behalf of my party, that we were pushing to have all of these bills discussed before the House. I do say, and I'm taking credit for this on behalf of my House leader, that we are able to discuss these matters, and I appreciate the cooperation from the government as well, and the Conservative Party. We can debate these matters perhaps not to the length that we would like to, but nevertheless we are able to put some of our views on the record on all of these matters. I appreciate that and I'm sure the Ontario Trucking Association is rather pleased to see this matter now come before the House, being discussed and presumably being voted on very shortly.

Why is the Ontario Trucking Association so concerned about this matter? They have put forward, in my view, a rather convincing argument. I should say I had questions about this initiative as well, but the arguments and the reasons that were put forward by the industry I think are convincing ones. The member for St Catharines briefly alluded to it, as did the member for Renfrew North: that we cannot be an island on our own. Perhaps we would like to, but it is not possible.

Free trade is in effect, and with NAFTA I think increasingly we do have to look at a North American competitive reality. The trucking industry is, and has been for some time now, operating in that environment, and some of the rules that apply to all of North America obviously will have to apply to Ontario as well. One of those rules is this longer truck provision that will enable our trucking industry to better compete with especially the American companies. It's not only the American companies, but also some of the Canadian competitors in the trucking industry, because most of the Canadian provinces already allow the provisions that we're debating this evening and that are the object of Bill 74.

Really what we're doing here with this bill is putting Ontario on a level playing field with most of the North American jurisdictions, and I support that. In fact, to go back a little bit in history, this is an initiative that was first announced by the Liberal government. Bill Wrye, when he was the Minister of Transportation, did announce his intention to provide for longer trucks in the province. It is rather interesting to go back a little bit and to re-read Hansard and what the opinion then was both of the third party, and I don't know whether they did go back to what some of their colleagues said at the time, and also of the representative from the NDP at the time, which is now the governing party.

I don't want to read too much, because frankly I don't want to tease both parties in case they should change their minds, but I think it is important to show for the record that the Liberal Party has been very consistent on this issue. They were the ones who, in November 1989, first announced that they were going to allow longer trucks in this province.

Let me just read for the record what the reaction of the

Conservative Party was at the time. Mr Don Cousens, who was the critic, I guess, at the time for the Ministry of Transportation, had this to say: "The Minister of Transportation announced at a luncheon today his intention to increase the maximum allowable length of tractor-trailer combinations on Ontario roads.

"Fortunately, perhaps, for the minister, he's presently on his way to Thunder Bay. Our party strongly opposes the minister's decision to increase the allowable length of trucks on Ontario roads and highways. Our party strongly supports the minister's decision to leave town."

Again as I said, I don't want to tease the third party too much by reminding them what their reaction was to this initiative when the Liberal Party first announced it, but in honesty and in fairness I think we should make clear that I do think they have changed their minds and there's nothing wrong with that. I don't criticize that. Since then, almost four years have gone by and we have seen how this measure will impact on the trucking industry, and I think there has been a renewed recognition that what the Liberal government was going to do in 1989 was in fact the right thing to do. So better late than never.

Again I don't want to be too critical but I do want to say that even the NDP, the government party, had also a rather different view on this measure at the time than it has today. Now the minister is smiling a little bit and he would rather not hear what his colleague from the north, Mr Morin-Strom, who was the critic at the time for Transportation, had to say on November 28, 1989.

I should say, by the way, that I do have the highest respect for Mr Morin-Strom. I remember the position that he took at the time surrounding Meech Lake and how that really was not the most popular decision in his own riding. Nevertheless, in view of a national perspective, he put that forward and I gave him at the time full credit for it and I continue to do so. I have high respect for the member and frankly I regret that he's not here, because he did make a contribution that was worthwhile, I thought. I think he would be an asset to the current NDP caucus.

But in any case, here's what he said on November 28, 1989:

"We do not need and we do not want monster trucks on our streets and highways. Our highways are dangerous enough today without the government allowing another two-metre increase in the length of trucks in Ontario.

"Is the minister crazy or is he going to come to his senses and do something about making our highways safer?"

I left out another few of the juicy morsels that I could really put forward here to show, from a partisan perspective, how much the government caucus has changed its mind. But in view of the fact that we do want to pass this matter, I think I will not refer to it and I'll simply leave it there to say that I'm glad and I congratulate both parties, the caucus of the government party and the third party, for having come to the same conclusion that the Liberal Party did way back in 1989, that in fact this was a measure whose time had come in the interests of the

industry, in the interests of the economy of the whole province, not just of the trucking industry.

1800

I will come back a little bit later to the safety requirements and the safety concerns that both parties mentioned at the time and some of my colleagues mentioned today. I think they're important ones and I will be speaking about that a little bit later. But I do want to say that this measure is of significant economic impact not just on the trucking industry but on the economy of Ontario at large.

Last year, on March 25, a news conference was held here at Queen's Park and some of the major economic representatives of this province were present. There were Maria Rehner from the Canadian Industrial Transportation League, Jim Carnegie from the Ontario Chamber of Commerce, Alasdair McKichan from the Retail Council of Canada, Norm Clark from the Motor Vehicle Manufacturers' Association and Paul Nykanen from the Canadian Manufacturers' Association.

They were all there on behalf of their employers and on behalf of their employees to encourage the government, together with the Ontario Trucking Association, to move forward with this provision. Here's what they said:

"The issue at hand is whether or not Ontario should join with most other North American jurisdictions in introducing longer truck lengths to stimulate productivity in the transportation sector, reduce transportation costs to Ontario manufacturers, retailers and shippers, enhance the overall competitiveness of the Ontario economy and do it all without compromising highway safety."

At this press conference—and as I say, I do have at the time the release that they distributed in front of me—they came to the conclusion that yes, something like Bill 74, allowing the longer trucks in this province, would in fact achieve this purpose. If anybody is interested in getting a copy of this release, I certainly would be pleased to send it to them. I think it helps people to understand why this is being done and why the industry, not just the trucking industry but industry representatives from all sectors of Ontario's economy, is supportive of this measure and has been calling for this for some time.

Certainly one of the groups that is very interested in this measure as well is the truck manufacturers. Many of the shipping companies have been holding off placing their orders because it was not quite clear what was going to be the length of the trucks that was going to be allowed in Ontario. Now, with the passing of Bill 74, I'm sure these companies will be placing their orders and obviously will be filling the order books of the Ontario truck manufacturers. I think that's a good thing.

We all know how difficult the employment situation is in the manufacturing sector, in the truck manufacturing sector in particular. I think anything that can stimulate business there will be appreciated by the workers. That's probably the main reason why the government as well is finally supporting this initiative and putting it forward. I think they too see the economic impact of this measure and the positive impact on employment. If this can in fact reduce unemployment in the province, then we're certainly in favour of it.

As you know, the main concern of the Liberal Party, its main concern over the last year, has been job creation. Anything that relates to and that really will provide job creation we have supported and we will continue to support because that is, I would say, the most important concern of the public out there right now, that people can get back to work.

If we have people working, they have dignity. I think that's most important. But second in importance is also that they can pay taxes. I do want to maintain that order: The dignity comes first but if they work, then they have to participate in the economy, they pay the GST and so on and everything else and that helps us, the government, to provide the services that we all want, the health care, the social services and so on. From that perspective I think this measure, Bill 74, allowing the longer trucks, is an important economic stimulant. Certainly that's why we support it and that's why I think the government caucus supports it as well.

I should say that I will be moving an amendment that will allow longer buses as well. The Ontario Motor Coach Association has approached us. There's a small addition that will be allowed. Again, Ontario is the only jurisdiction which does not allow this provision at the present time, and the Ontario Motor Coach Association has been working very hard with us to make sure that it as well can benefit, like the other Canadian provinces and the other North American jurisdictions, by being under the same rules and regulations. I certainly will be moving this amendment and I'm hopeful that the government will support this particular amendment.

I should also say that even the disabled community is very interested in this measure because this will allow for building some of the new buses in a way that makes them more accessible, makes those intercity buses more accessible to the disabled and to the handicapped. I'm sure this is a measure that we all want to support, and from that perspective as well it's an amendment that I think is worthwhile to put forward and worthwhile to see supported by all parties, I hope, in the House.

There were nevertheless, and I don't want to go on for too long, concerns out there in the public. Those concerns were raised way back in 1989 when this measure was first introduced by the then Liberal government and those concerns continue to be raised. The member for St Catharines and the member for Renfrew North mentioned them: safety concerns. It is true that when you drive by a truck on the highway it can be somewhat of a scary experience, but I must say already then, in 1989, Minister Wrye clearly recognized this concern and was willing and wanted to address it.

I'm glad to see and to say that the current Minister of Transportation also is aware of this concern and is trying to address it, inasmuch as possible, with various protective measures around the wheels and the sides of the trucks so that the splashing will not go to the side, in so far as that's possible, onto the other cars but stay basically either behind the truck or under the truck. There are various measures that the government is proposing with this bill to try to make sure that the safety concerns that people have are addressed.

I should say that Transport 2000—people who are watching may not be familiar with this organization—

Hon Evelyn Gigantes (Minister of Housing): Yes, we are.

Mr Daigeler: The Minister of Housing says the government is aware of Transport 2000. Well, I'm sure they are; so are we. But since we are hopefully followed by more than just the government tonight, since there are hopefully viewers out there across the province, perhaps not everybody there is familiar with Transport 2000. Transport 2000 is a group of people who are simply interested in transportation issues across the province—

Hon Ms Gigantes: Very progressive. They support apartments in houses.

Mr Daigeler: "Very progressive," says the Minister of Housing. I didn't hear the other point. But, in any case, they have members across the province and they follow what's happening on the transportation scene quite closely. They put forward, frankly, a very well written, well-researched and I thought a well-balanced brief to the government last August. I do hope the Minister of Housing did receive and read this particular brief from Transport 2000 because it was not too complimentary, frankly, towards this particular initiative of the longer trucks.

1810

I should say that the way they formulated their brief I thought was well done. It was not aggressive. I thought they put forward certain questions, certain concerns, and to the credit of the government, it did respond. The government did prepare—it took a little while, but nevertheless they did receive an answer from the minister, and the minister did send a copy of his reply to all the members of the House, because the original brief went to all the members of the House as well.

I am sure I'm not giving up any secrets, and perhaps the minister can correct me if I'm wrong, and I certainly would be pleased to correct the record, but I'm sure it wasn't the minister himself who prepared this rather lengthy reply from the ministry. In fact, in reading the language of the particular reply, which is a little bit bureaucratese, I would say it's not the language the minister normally uses. In any case, don't criticize him for it. He does have to have staff that prepare these things.

Anyway, I would say that the ministry officials I think took the brief from Transport 2000 quite seriously and at some length addressed the concerns of Transport 2000. I don't think they answered all the questions to the satisfaction of the people who prepared the brief. Nevertheless, the ministry made an honest effort to address the concerns, and especially the safety concerns, that were raised by Transport 200.

So, again, if anybody out there from the public might be interested in receiving either the brief from Transport 2000 or the minister's reply, I'd be pleased to provide that, because I think it shows that this matter was not taken lightly. After all, it has again taken four years, as with the graduated licences, to finally move from where we, the Liberals, were in 1989 to finally bring this matter before the House and vote on it.

There has been time to review this matter, to discuss

it, for people to reflect on it, and I think all of us have come to the conclusion that this is an initiative whose time has come. I'm glad to say that my party will be supporting this initiative. I will be moving a minor amendment that will allow longer motor coaches as well, which has been called for for quite some time from the motor coach industry and also from the disabled community. I do hope that we will see speedy passage of this matter still before we rise for the Christmas recess.

The Acting Speaker (Ms Margaret H. Harrington): Questions and/or comments to the member for Nepean? Seeing none, further debate?

Mr David Turnbull (York Mills): This bill, I'm pleased to say, the Conservatives will be supporting. It's long overdue. If we could just review the history of this, the Liberals brought in Bill 96 immediately before the last election, the election of 1990, which they lost. They brought it in with enough time that they could have passed it. We're seeing by the time that it's taking to pass this particular bill that it's easily possible in the dying days of a Parliament to get it through, but it was an election goody. It wasn't a real offer. It wasn't something to help the truckers of Ontario.

Mr Daigeler: It was supported by the Tories at the time, David.

Mr Turnbull: My colleague from the Liberals is suggesting as to what the Tories at the time did. I'll tell you, the record is that the PCs supported Bill 96 at the time. The record, however, was that the NDP vociferously opposed this legislation. The Liberals had the numbers, they could have passed this—it certainly had the support of the Tories—but they didn't do it.

Now, let's turn to the question of the validity of this legislation. The legislation stems from very wide consultation with a variety of affected groups: the Ontario Trucking Association, the railways, the Hamilton branch of the Canadian auto club. From this consultation, we have been informed by the Ministry of Transportation, there is a very broad consensus in terms of support, which is very good.

It is interesting to note that the original Minister of Transportation under the NDP government stated that in no way, shape or form would he support longer trucks. This is something which the Conservatives have consistently suggested was important in terms of creating, to use that hackneyed expression now, a level playing field when we consider that Quebec and all of western Canada west of Ontario and the whole of the US industry have a standard for truck lengths which was at variance with Ontario. This legislation will bring us into those parameters.

Why has it taken three years? Well, to a great extent it's because the NDP government started off saying they were opposed to longer truck lengths. Finally, I guess some light is beginning to dawn on them as industries flee from Ontario and the trucking industry is absolutely in emergency surgery on this one. What the government has done is they brought in increases in the fuel tax. They have done everything they can to injure an industry which was on the critical list and now finally they're beginning to wake up. So we support them in this.

Let's just talk a little bit about the process by which we're going through this, though. We're debating this tonight and it will be passed, according to the government's own agenda, by next week. There is no possibility of any public hearings, and that's a shame, because while there has been broad acceptance of this measure from the affected industries and, we're given to believe, according to the ministry, from the CAA, there are still individuals who are concerned about this legislation. I've gone on record as saying that the Conservatives are in favour of it, we've heard the Liberals saying they're in favour of it and the government has brought this in, but nevertheless there is a legitimate reason to allow opposition voices to be heard. The opposition in this case has a legitimate right to put on the record why it believes this is wrong.

The evidence suggests that there is no decrease in safety as a result of this. Just reading actually from a newspaper report which encapsulates some of the statistical data: "There's been no increase in accident statistics or added wear and tear on the roads with the semitrailers being granted the extra length," said Anne McLaughlin, spokeswoman for the Transportation ministry. 'Safety statistics are comparable or better in other jurisdictions that have allowed these vehicles.'"

That was one of the key criteria that have always driven the Conservative Party: Was there any compromise of safety? Indeed, because the statistics suggested there wasn't, that perhaps there might be an improvement in safety, then we're interested in it.

In addition to that, the added length of trucks will allow lightly loaded trucks, of large material which is quite light, to carry 10% more load. So there will be an attendant reduction in the cost of fuel, and that will also translate into an improvement in the environment if we can move 10% more in a truck than under the existing legislation.

So from a safety point of view it is at least as safe as we have at the moment, from an environmental point of view it is an improvement, and we're pleased that finally the government is waking up after three years to what we have been saying all along.

The need for a level playing field is so compelling when you consider that we have very aggressive US truckers coming into Ontario and taking loads away from our truckers.

Indeed, there are supposed to be fuelling regulations which suggest that fuel taxes for fuel bought in administrations outside of Ontario will be applied in Ontario to truckers while they're operating in Ontario. The suggestion from the trucking association is that this is not the case, that the government of Ontario is not enforcing the collection of taxes in a strong enough way, which is kind of strange when you consider how aggressive this government has been at moving against all of its own citizens in terms of tax grabs and every conceivable fee that it could squeeze out of people. We've got to the point that we have driven many people to start buying illegal cigarettes, which I certainly don't condone, but I understand that this government has pushed the taxpayer over the edge.

1820

There are some concerns with this legislation, mainly from the point of view of what is not in the legislation. A matter of two or three weeks ago, the government came forward and wanted to collapse this bill, Bill 74, into an omnibus bill, and we know about omnibus bills. These are these nasty bills that the government brings with a host of items in them, some of them issues which the opposition parties agree with, some of them which we thoroughly disagree with. It usually ends up that we have to vote against some aspects of legislation that we're in agreement with. It should be discouraged, because we know that the example the US has set is you have omnibus bills where you're voting for a dam in Colorado and tacked on to it is a snail farm in New Hampshire. How ridiculous, but that is the reality of the US, and that is the direction this government has taken us in with omnibus bills.

The opposition parties expressed some concerns with having an omnibus bill, but one of the things in the omnibus bill, amendments to the Highway Traffic Act, was the allowance for longer bus lengths. The government has accepted the fact that longer bus lengths are desirable, and indeed many of the bus companies of Ontario have been holding back placing orders for new buses, to the detriment of the Ontario economy, because they believed that legislation may be forthcoming.

Well, that has disappeared into the ether. In discussions with ministry staff, there seems to be some confusion as to whether longer buses can be allowed under this legislation. In fact, the minister seemed to suggest in an answer that he gave recently in the House that this was possible.

I would like at the end of my speech for the minister simply to rise and tell me unequivocally whether his legal staff have advised him as to whether longer buses will be allowed under this legislation or not. The regulations are certainly such that, as we read them, you have the ability to give permission for longer bus lengths, but the answers we're getting from the Ministry of Transportation are very confusing.

I'm alarmed that the Minister of Transportation is just about to slide out of the House, because that way he would not answer the question, which is a very legitimate question, sir, as you leave the House, which really should be answered. Perhaps you're going to check with your staff. I hope so. Please do come back. Check and do come back for the end of my speech. I won't be speaking very long, so I hope the minister will be back in that time.

There is another concern, and that was brought to my attention by the people who haul automobiles for the auto manufacturers in Ontario. I believe two large companies do all of the hauling of new automobiles.

The standard of 25 metres for the truck length which is allowed in this bill is something they can live with. The present standard of 75 feet long for an overall truck to carry automobiles is quite acceptable, and it is standard with the US.

However, under the present regime, the auto haulers

are being restricted to only carrying nine full-sized automobiles on their truck, so that the automobiles are fully contained within the framework of the truck, whereas these trucks have been designed with the intention that the front overhang over the load can be up to three feet and the back overhang can be up to four feet, which will bring them in exactly within the 82 feet or 25 metres allowed under this bill.

This too we believe can be allowed under the regulations, but the truckers are getting conflicting pieces of information—I'm delighted to see the minister's back. We're getting conflicting pieces of information as to whether this will be allowed.

The reason it is important that 10 automobiles should be loaded onto a truck is once again the level playing field. A huge number of the automobiles that are manufactured in Ontario are exported to the US, and this is undoubtedly one of the highlights of free trade which was foreseen many, many years ago under the Conservatives in Ontario when they brought in the auto pact.

The auto pact has been very good for Ontario. We export a huge amount of our production. The production of automobiles from Canada which go to the southern parts of the United States go on rail transportation, but to the northern parts of the United States they are trucked down predominantly. So it's very important from an economic standpoint to these companies that they be allowed to load 10 automobiles as they do in the US.

These trucks travel at a lower average speed than most trucks. They have an exceedingly high safety record with nine or 10 automobiles, so there is nothing in the experience to suggest that there's a safety-related concern. But in Ontario, the way the present regulations are being interpreted, it suggests that only nine can be loaded.

The auto companies only pay on the basis of a fully loaded truck, that is 10 automobiles, and they refuse to countenance the fact that Ontario regulations may be different to the US. So we have an uneven playing field, which puts our automobile plants at a competitive disadvantage.

Now, Madam Speaker, you will recall I said that there is no experience to suggest that there is a safety concern here, and we do believe that within the regulations of this bill the ministry has the ability to allow 10 automobiles with the three-foot overhang on the front and the four-foot overhang on the back to be transported.

I simply would like to get from the minister a definitive answer tonight as to whether his counsel have advised him as to whether this will be allowable under these regulations. and if not, I would suggest it would be important in the life of this Parliament—because I suspect that amendments to the Highway Traffic Act will probably not come up again under this government—that we could then move to bring forward an amendment in committee of the whole to allow that to be done, so that we achieve that level playing field which allows Ontario automobile manufacturers and the trucking companies that transport their product to be able to operate on that level playing field.

It makes sense, it makes economic sense, so we're in

favour of this legislation. We just want to make sure that the government says within the regulation that (a) longer buses will be allowed and (b) the overhang which will bring us up to the same standard as the US will be allowed. On that basis, I certainly will be very pleased and happy with this legislation.

The other point I would just like to make is the government has improved safety standards in this legislation by way of the kind of bumpers at the back of trucks to stop the cars from sliding underneath in an accident. That's a very good idea. I would suggest, Minister, that perhaps we should be looking at some sort of equivalent railings on the side of trucks so that we don't have cars sliding under a load on the road.

1830

Hon Mr Pouliot: Ferraris have a tendency to.

Mr Turnbull: My good friend the Minister of Transportation says Ferraris have a tendency to. I suppose he would know. He's a very dapper man who certainly likes the *bonne vie*. Far be it from me to deny him that. I wouldn't know about such because, as somebody who just works away to pay the mortgage, I don't know about Ferraris. But it would be desirable that we look at the safety standards for the side of trucks, and I hope that maybe the minister could reflect on that in his remarks.

Hon Mr Pouliot: The member opposite, as did his predecessor, the previous speaker, the distinguished critic for Transportation for the official opposition, raises pertinent questions that need current and precise answers.

One subject matter being raised is you have legislation proposing that trucks go from 48 to 53 feet, longer trucks. He raises a number of issues, as did Mr Daigeler, vis-à-vis the safety aspects as you allow a longer configuration or a different configuration. "Why don't you include intercity buses?" The member has a valid point. If you choose to do so as a government, how do you put it into practice?

Mr Turnbull: Can you do it under the regulations?

Hon Mr Pouliot: We cannot. We will not do it under regulations, but we're consistent and reasonable in our approach. We're presently the only jurisdiction in North America that does not allow 45-foot intercity buses. Being reasonable and consistent, we will therefore, in committee of the whole, look favourably—we shall be sympathetic, by way of an amendment, to longer buses.

Mr Turnbull: What about the overhang?

Hon Mr Pouliot: In terms of the second inquiry regarding overhang, we have a policy of consultation. We cannot in conscience bypass the people who have given us their confidence and their counsel and expertise: the automobile association, different client groups. We've got to go back to them. Yes, we can do it under regulation, but first we must consult with them—

The Acting Speaker: The member's time has expired.

Hon Mr Pouliot: —because they've given us their good office, and it's only fair practice that we do so.

Mr Daigeler: Again, I appreciate what the minister just said. I indicated in my own remarks that I will be moving an amendment with regard to the longer buses

and certainly look forward to seeing that supported.

I do want to briefly comment on what the critic for the Conservative Party said. Most of what he said I agree with, and I think my remarks were along very similar lines. However, I must take exception to one thing that he said, that his party has always been in favour of this initiative. As I have shown by quoting Hansard from 1989, Mr Don Cousens, who was speaking on behalf of the party at the time, clearly said that they were opposed to longer trucks.

Now, as I said in my remarks, I am glad that the Conservative Party under this Parliament changed its view on this matter, but I do think, unless the member wants to correct the Hansard record, it's simply not what happened when the Liberal government was in place and was planning to introduce this measure. The Conservative Party at the time clearly said that it was opposed to this measure.

As I say, I'm glad to see a change in that position. I'm glad that both the NDP and the Conservatives changed their minds on this matter and that they have come to see the light in the way the Liberals saw it. Sometimes it happens that way; sometimes we see it differently as time evolves.

In fairness to the record, I think it would not be proper to say that the current Transportation critic could say that the Conservative Party has always been in favour of this. He may have been in favour, and perhaps the current Conservative caucus has been in favour, but not the previous one.

Mr Bill Murdoch (Grey-Owen Sound): I would first like to congratulate the member for York Mills on his brief, on what he was talking about here, and to mention how the member was saying that the Conservative Party didn't always support that. That may be right. That's why we have elections around here and I think people change from time to time.

I'd like to mention that the member for York Mills probably had a lot to do with that—in fact, he did—in changing the mind of some of the Conservatives, and as he mentioned, they do support this. As the critic for rural Ontario for Transportation, I also support this bill.

But it doesn't mean that it's all right, though. It's unfortunate that we have a minister—it seems we've been talking about this for the last couple of weeks, about some of the high-handed measures he uses to bring his bills in. First, on photo-radar he brings in a motion to close the debate on that. Now I understand that this bill will not go for any more public consultation, that he's just going to ram it through again at third reading tomorrow.

Again, we have a minister who is using his high-handed style to ram bills through this Legislature, even though some of us do agree with it. I want to express that this minister is using his powers to do that, and that is very unfortunate because this minister has talked many times about how he's worried about safety. This one is another one that will do some safety aspects to the roads, but it's not enough; we need more safety measures.

In northern Ontario, especially with the roads, there

was a lot of promise that some of the roads were going to be fixed up. We've seen nothing that's happened in the north. He sort of forgot about the north and it's very unfortunate because this minister does come from the north and he seems to have forgot everything that happens in the north and has done nothing to help us up there.

Mr David Johnson (Don Mills): I've had a little bit of a history lesson here this afternoon, I guess, from the member to my right in terms of who supported what back in 1980-something-or-other and who didn't; 1989 or whenever.

I can only say that since I've been here, following the by-election in April, the member for York Mills to my right has been an extremely keen supporter of this legislation to permit longer trucks. Indeed, my arm is a little bit sprained I think from his constant pressure in our caucus meetings and in this Legislature, right on the floor. He's asked the minister, and I see the minister over there—

Hon Mr Pouliot: At least you've still got your wallet.

Mr David Johnson: I've still got my wallet and I've still got my arm, but it's a bit sore from being twisted to support this legislation.

The member, of course, is our critic for Transportation, for urban transportation. He's aware of the necessity to provide an even playing field for businesses in the province of Ontario, the fact that they must be competitive. He has pointed out to us over and over again that other provinces surrounding Ontario and other states in the United States—I think just about all the states in the United States—permit these longer vehicles. For our businesses to be competitive, we must have this legislation.

He's also talked about safety. Certainly, in our caucus and on the floor of this House, he has indicated that safety is a concern, but he's addressed all the safety issues and he has constantly promoted legislation for the longer vehicles.

I don't know about the history lessons going back when, but I know the evidence that I have seen and witnessed in this Legislature.

He's also taken a keen interest, as the member has pointed out, with regard to photo-radar and with regard to graduated licensing, and he's been fair. He supported graduated licensing because he knows it's good and longer vehicles because he knows it's good, and he's opposed photo-radar because he knows it's not good.

Mr Murdoch: Money grab.

Mr David Johnson: It's a money grab for this provincial government.

1840

The Acting Speaker: The member's time has expired. The member for York Mills has two minutes to respond.

Mr Turnbull: I was pleased to read from what the Minister of Transportation suggested that he is saying definitely that under the regulations he does have the power to allow longer intercity buses and that he does have the power, subject to consulting with the various people you consulted with prior to bringing in this bill, on the question of the overhang of auto transports.

That's fair, Minister. I'm not asking you for anything

different. I wouldn't want you to do anything differently. One of the concerns that over and over I and my caucus colleagues have brought to this House is that this government isn't consulting properly, and the best example of this has got to be photo-radar, where the government has jammed it through in almost record time. They absolutely ignored any possibility of public hearings. We were given two days in committee, which wasn't enough for adequate clause-by-clause consultation on that.

Hon Mr Pouliot: Five days of debate.

Mr Turnbull: The minister is shouting five days in second reading. It wasn't five days, Minister. It was four days plus 20 minutes, which if you put that together in terms of hours on one of the most draconian pieces of legislation you have brought forward—Orwellian, some people have suggested—you have probably had a total of something like about eight hours of debate. On top of that, there has been massive correspondence on this and you have refused to open it up to public consultation, which is the normal way. So I accept the fact that you should be consulting on it, but I do take it under advisement that you can do these things under regulations.

The Acting Speaker: Further speakers to this bill? Seeing none, the Minister of Transportation.

Hon Mr Pouliot: I'll be quite brief. It's an issue that has been debated through the years. On the one hand, there was a focus, and I think rightly so, where people were concerned about longer vehicles being safe; real concerns.

A lot has been said in this House vis-à-vis the transition from railways to roadways. Consequently, because of just-in-time delivery, because people prefer to have door-to-door service, because of the improvement in the road system, the facility to deliver quicker, better and at your doorstep and come back with a backhaul, all those factors indicate that more than 70% of cargo, of freight, of commodities, is being delivered by way of trucking. That's the reality of the day. There is no escaping that this is the order of the day.

By not being competitive, by not being like the others, Ontario, vis-à-vis the people they do business with, the competition, was losing \$100 million per year. We were \$100 million behind the eight ball simply because all other jurisdictions in North America, all other provinces and states, except four states of the union, and provinces east of us, everybody else was on side. Everybody else was saying that if you wish to move some goods from point A to point B we shall give you 10% more capacity. In terms of volume, your trucks will be able to carry 10% more goods from point A to point B. Until today, Ontario had said, "No, we will not comply because we have too many questions that are unanswered."

We went through extensive consultation. We've talked with Transport 2000. We have consulted with the Canadian Automobile Association, teams of experts, groups of engineers, the business community, the consumers, and today we echo the sentiment, the consensus of all those groups, organizations and of course, first and foremost, individuals. People have said to us, "We wish to have the guarantee that allowing longer trucks will not jeopardize safety."

We're all afraid. It's a normal reaction. If not all of us, most of us are afraid of longer vehicles. They create a bit of anxiety and that leads to fear and that's not a bad scenario. There are worse-case scenarios. In fact, I've heard someone say that given the climatic conditions in the northern part of our province, "Gilles, for a second I began to die, and you want to make them longer."

You take those sentiments from real people, those really anxious moments, that real fear, and you bring it back to your colleagues, you bring it back to the people who are experts and the people said: "Yes, we have heard the same dilemmas. We have an impasse but this is what we're prepared to do. We know that you will have as much as 10% fewer trucks on the highways because you'll be able to carry in most instances 10% more volume, but you will not surpass, exceed the capacity that you have today, the overall payload. The weight will not increase. You will have a longer wheel base. That's safer. You will have the opportunity to go to an automatic brake adjustment system when you purchase a new vehicle. When you do that, you will reduce the number of faulty brakes from 33% to 9%. So that's safer again."

People have been holding back. They simply weren't buying, but now they will go to the marketplace in order to compete and they will buy new trucks. New trucks are safer. Five, six or seven components come into play, and that's a true story. People will be able to bid on a block of goods the same as their neighbours. It's called competition in the marketplace.

We don't have the opportunity to sap that element in the free-enterprise system. It's called competition and we're doing this here. We're simply saying we're now like the others. We can do it as well, if not better than the others. We're not jeopardizing safety. We shall never jeopardize safety. This is a matter which is commonsensical. It brings \$100 million to the province of Ontario in competitiveness.

If we're talking about amendments, if we're referring to bagatelle, if you wish, when people talk about omnibus legislation, in some cases it could be a gadget, house-keeping matters, we have to go through because the system works in such a fashion that in order to amend the existing Highway Traffic Act you have to have an issue. In this case, we have 15 issues that are on the back burner.

You know what we could have done? We could have gone the omnibus route and said we have a majority in this House, that nothing else matters. Our House leader, the great democrat that he is, could have gone to his colleagues and said: "We have 15 or 20 items; like it or not, we have the numbers to back it up and with the omnibus we will bring in closure. You can take your chances come election time because this is the will of the majority."

1850

No, this member, our House leader, searched long and hard and said: "Okay, let's get unanimity. If the opposition and the third party can get together with the government and go to the graduated driver's licence, why don't we do it together?" We've done that. "If the opposition and third party, with the government, can come up

unanimously, if we can get an agreement to go to this piece of legislation, Bill 74, let's do that. If, by way of an amendment, the opposition and the third party can get together with the government and go to an amendment which suits the ideology, the philosophy, of all concerned, addresses the public need, let's do that."

We have a win-win-win situation. We're saving the time of the House. With a great deal of pride, I feel relieved that people have come to their senses. The reason we did take a long time at arriving at a change in vehicle configuration is because we wanted to give ourselves and, more important, the motoring public in the province every assurance that safety was enhanced. Safety shall never be compromised.

The Acting Speaker: Mr Pouliot has moved second reading of Bill 74, An Act to amend the Highway Traffic Act. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Hon Brian A. Charlton (Government House Leader): I believe we'd like to see this bill go to committee of the whole House.

The Acting Speaker: Agreed? So ordered. The bill is accordingly referred to the committee of the whole House.

Hon Mr Charlton: Madam Speaker, just before I call the next order, there are a couple of matters that I wanted to clarify that should have been clarified earlier about the rest of this evening before we go on. They got forgotten in the excitement earlier.

The three House leaders had agreed that we would next move to the debate on Bill 120, which I will call in a moment, and that we would debate Bill 120 from now until 9 o'clock or some earlier hour than that if we should find a shortage of people who wish to speak to the bill. Either at that earlier hour or at 9 o'clock, the debate on Bill 120 should be adjourned, because there are a couple of members who are unable to be with us this evening who do wish to speak to the bill.

We would then, at the earlier hour or at 9 o'clock, move to the debate on the concurrences, which are the 69th through the 80th orders. We would move to those debates as a unit. There would be no votes until the end of the concurrences process and members would be free to speak to any of the individual concurrences or, for that matter, to all of them in their comments so that we would have a wide-ranging debate around the package of concurrences, much as we did last year. That debate would continue from 9 until midnight or until we find ourselves without further speakers, at which point we would adjourn that debate as well.

The Acting Speaker: Is it the agreement of the House that we proceed in that manner? Agreed.

RESIDENTS' RIGHTS ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES IMMEUBLES D'HABITATION

Resuming the adjourned debate on the motion for second reading of Bill 120, An Act to amend certain statutes concerning residential property / Projet de

loi 120, Loi modifiant certaines lois en ce qui concerne les immeubles d'habitation.

The Acting Speaker (Ms Margaret H. Harrington): I believe the member for Don Mills has the floor.

Mr David Johnson (Don Mills): I was quite taken by the speech of the Minister of Transportation. I thought it applied equally to this issue of apartments in houses as it did to the issue of long trucks.

The minister was saying that the government could have taken the position that it had the majority, and the government could have taken the position that it could simply implement what it wanted in terms of longer trucks, but it wanted to get unanimity, it wanted to have unanimous opinion between the opposition, the third party and the government. The minister was saying, "If we can get that unanimity, then let's do it."

Unfortunately, in this case the government has said, "Let's not bother, let's just go ahead and do it, even though the third party is against it, the opposition is against it, and indeed the municipalities of the province of Ontario are against it as well." Many other people, I might add, are against this legislation too.

What we're talking about, and this is a debate that was adjourned at midnight last night, in a portion of Bill 120 is the duplexing of Ontario, the right of this government: This government is putting forward a motion that every single-family house, every semidetached house and every row house in the province of Ontario, with the exception of a few that are connected to septic tanks, will have an apartment, or will be allowed as of right to have an apartment, either a basement apartment or a flat contained somewhere in that dwelling.

So if you are an owner of a single-family home in the province of Ontario, this would mean you now would own a duplex after this legislation is passed. If you are an owner of a semidetached house, two semidetached houses together, two units today, tomorrow there will be four units. You could have two basement apartments, one in each unit, and the semi itself. If you live in a row house complex with 10 units, in the future you'll find yourself in a 20-plex row house; you could have 10 basement apartments as well as the 10 row houses. This with the stroke of a pen, this without any agreement, either by the opposition parties or by the municipalities in Ontario.

I mention the municipalities, and I can say that it's not just individual municipalities that are opposed to this legislation. Having served at the municipal level until recently myself, I have been involved with a number of discussions with organizations at the municipal level. For example, the mayors of the greater Toronto area have gotten together on several occasions to talk about various issues that are of mutual concern. About a year ago, I recall going through a number of those meetings and I can tell you that there were two issues that predominated in those discussions.

One of those issues was Bill 40, that's the labour bill, to give more powers to the labour movement in the province of Ontario, and the municipalities were dead set against Bill 40 because they were concerned that it would depress investment within their municipalities, and that it

would consequently kill jobs and kill economic development within their municipalities. That bill has been implemented and their worst fears have been realized. That was one issue they were concerned about.

The second issue that municipalities, and through the GTA, were most concerned about was apartments in houses, the very legislation we're talking about today, and they opposed it very strenuously. It's not just within the GTA. I can tell you that the Association of Municipalities of Ontario, which represents 700 of the 830-some-odd municipalities in the province of Ontario, has also firmly opposed this legislation.

By the way, the populations of those municipalities represent 95% of the people of this province and they are opposed. Not only are they opposed, but they say that they have not been properly consulted. They say they've been talked to, they've been told what they're supposed to do, but they haven't been consulted by the minister in coming forward with this policy.

1900

They are concerned because they view this as being a severe intrusion into their right to plan their communities. Municipalities have this strange notion that they are best suited to plan their municipalities, that municipalities in conjunction with the local citizens, with local tenants, with local home owners, with local businesses, are best able to plan their own communities. This is their notion.

But the minister doesn't agree with that. The minister feels that municipalities have not taken her direction. She has various initiatives that she wants to see with regard to housing. She feels that over a period of time she's made that clear to the municipalities, that the municipalities and their citizens have not responded, and consequently they're to be dictated to.

Completely ignore the fact that municipalities have successfully for decades, with their citizens, with their businesses, planned their communities. Throw all that out the window and dictate in this instance how those communities are to be planned. That's what this bill does. That's exactly what this bill does. It tells municipalities how to plan in terms of housing. It's a very serious intrusion and it's one that the municipalities will fight right to the very end.

They're also concerned about local flexibility. Does it make sense to have the same planning approach right across the province of Ontario? Does it make sense to have the same approach in Toronto to a housing problem as it does in the city of London or as it does in North Bay or as it does in the town of Dundas? There are so many different circumstances across this province. Does it make sense to have exactly the same approach?

Well, the minister says it does. The minister says that her initiatives should be uniformly instituted. Every home right across this whole province of Ontario and every single-family home right across this province of Ontario should now become a duplex. You may choose not to duplex your house, by the way, but the neighbour across the street or the neighbour next door on either side or the neighbour in the rear yard, as of right, without any notice to yourself or without your having any rights to speak to

it, could duplex their property. The minister says that's the way we should plan our province, without any flexibility right across this province.

When she says that, I think of an issue that was before the East York council when I was mayor just about a year ago and we were talking about intensification. We were looking at ways and means, particularly on the major arteries in East York, to increase housing potential in East York, and we actually implemented methods. We increased the number of residential units above the retail stores that would be permitted within the municipality.

But as we were coming to the end of the debate and as we were about to approve it, we were approached by a local business, a large industry, a big employer in East York who had been located in East York for many years. This employer said: "There will be problems. We're an industry. We're located right across the street from where some of the intensification is being recommended."

As we all knew, there were odours that were associated with this particular business. They were very pleasant odours, but nevertheless they were odours and those odours tended to get on the nerves of people after a period of time. The business said: "We are looking at investing millions of dollars in this business. We are looking at job creation. We are looking at stabilizing this industry in East York, but we know full well that if intensification occurs right across the street, there will be problems. The people who live in those units across the street will have complaints about the odours and that will cause problems for the business. It won't be good for the people who live there. It won't be good for the business."

They recommended that we exclude a small area from the intensification. When we all looked at it as a community, when we all got together, we said, "That makes sense," and we excluded that small area.

That's the kind of flexibility. If you leave it to local municipalities, they can come up with a policy, a policy that will meet the needs and yet a policy that will work within each municipality.

It's interesting that this very same government that is coming forward with this bill to allow apartments in all houses has commissioned the Sewell commission on planning in the province of Ontario, and that very commission recommends against the approach that the government is taking. The Sewell commission—it hasn't been tabled yet, I admit, but the report is out and everybody is aware of the contents of the report, about 100 different recommendations, I think.

That report recommends that the province of Ontario be responsible for setting policies—policies such as housing policies, such as environmental policies, such as heritage policies—but that then the province leave the details of planning to the municipalities; let the municipalities carry out planning and let the province set broader policies.

They are ignoring the advice of their own commission. The minister, because she's not happy that her lofty goals in housing have been achieved, has not only decided to set the policy through this bill, but is recommending that the government implement it, get right down into the

details of implementing this policy right across Ontario, and I think that's wrong.

The question may arise as to what this will mean to the average person. I'm quite sure that the average person doesn't recognize what's happening here and won't recognize it until and if apartments start to spring up across the street, next door. The complaints will start and then people will realize.

But I think we recognize that to most people who own a house, that is the single most important and largest investment of their whole life, and when they make that investment, they consider a large number of factors. They consider how close that house is to their employment, how close that house is to schools, to parks. They consider the neighbourhood that the house is located in. Some people like a very quiet neighbourhood, a single-family neighbourhood. They like low-rise buildings so that they can see the sun in their backyard, that sort of thing.

Other people perhaps, on the other end of the spectrum, may like a busier neighbourhood. They might like the hustle and bustle. They may like a high-rise neighbourhood. They may like to have all the conveniences, the retail shops and everything, close at hand. But the one thing that people realize, whatever neighbourhood they select, is that the rules of planning, the zoning bylaws, the official plans, are etched in granite and they do not change. They do not change unless people are consulted. People must be consulted if they are to change. A municipality cannot come along with the stroke of a pen and change the rules in their neighbourhood. They will not wake up one morning and find out that an apartment building has been zoned across the street from them, or a store or an industry or something like that. They know in the province of Ontario that if the rules are proposed to be changed, they will be consulted.

First of all, they'll be notified. All the people in a community will be notified. They'll be brought into the picture. The change will be described to them. They'll be invited to a public hearing. They'll be welcome to speak on it. They'll be welcome to give their views, whether they support it or oppose it. Through this process, in conjunction with their local council, all the tenants, all the home owners, all the business people in that community will come to a decision on whether there should be change or not.

That is the system we have in place in Ontario, until today. But what this is proposing is to throw that out the window. Unilaterally, without consultation with people, without consultation with the municipalities, with the residents in a municipality, with the businesses, with the tenants, throw that out the window and unilaterally change every single-family house, every semidetached house, every row house; change the zoning in the province of Ontario and in effect duplex each and every one of those houses. I think that's very serious business.

1910

Today we're talking about apartments in houses. We're talking about that because the minister is not satisfied that municipalities have heeded her request for more affordable housing, even at a time when rents are actually

going down in some instances, even at a time when there's a vacancy rate, even at a time when the price of houses is plummeting, even at a time when the interest rates to purchase a house have gone down, even at a time when housing is more affordable today than it has ever been for many, many years on this province of Ontario.

Even at such a time, the minister is still not content that we have enough affordable housing, so she has decided, in this instance, to throw out all the rules of planning in the province of Ontario that we have abided by for decades and that people have come to believe in. In one fell swoop, she's rezoned every home in the province of Ontario. I think she's going to be in for a surprise.

The interesting thing is, in all the municipalities across Ontario, does the zoning comply with what the minister is going to do? No, it doesn't. Will the official plans in all the municipalities across Ontario comply with what the minister is demanding through this bill? No, they won't. So what will have to happen? Will they have to be brought into compliance? The minister says yes, each and every official plan in all the municipalities across this whole province of Ontario will have to be changed. All the zoning bylaws in all the municipalities across the province of Ontario will have to be changed.

Is this just some paper exercise? Is this something that you can do at the drop of a hat? Absolutely not. This is a major exercise; this is a costly exercise. Every municipality across the province of Ontario will have to go through its official plans. They will have to go through all their zoning bylaws and there will be tremendous costs, tremendous effort. At the same time, when municipalities are being asked to be more efficient, more frugal, are asked to cut costs and, as a matter of fact, are being given less money by the province of Ontario, they're asked to go through a very complex exercise to implement this.

The other interesting aspect of this is, how do they do that? How do they change their official plans? How do they change their zoning bylaws? They have to have a public hearing. Can you imagine what's going to happen at the public hearing? This is a major exercise. The official plan is one of the most important documents that a municipality has.

Mr Chris Stockwell (Etobicoke West): The most.

Mr David Johnson: "The most," the member for Etobicoke West says. It probably is. All the people in the municipality will have to be invited. They'll all go out, find out what this is about. They'll say, "Why are we here?" The local mayor will say: "Because all single-family houses are now duplexes. All the row houses and the semidetached are now being duplexed, and we want to hear your opinion."

People will say: "That's a bad idea. There are other ideas that could achieve these various goals." They'll say: "Don't implement what the minister is recommending. Implement something else. Turn it down. Change it."

What will the local mayors say? They'll say: "Sorry, we must implement it. We have no choice. The minister has told us: 'You're bad boys, you're bad girls, you

municipalities. You haven't followed my directions. You have to make these changes."

Then the public will say: "Why did you bother to invite us out? Why are we going to all these meetings if we can't be listened to? Why are you going through this silly exercise of inviting us out when we can have no say in this?" I don't know what the answer will be, but the ministry is insisting that these meetings be held.

The Association of Municipalities of Ontario has said that because those hearings are going to be a sham and there's going to be conflict, they're going to be ridiculous meetings, that the province of Ontario should conduct those meetings. The members of this provincial Parliament from the government who are insisting on this legislation should conduct those hearings and explain why people are going to be invited out to talk to something over which they'll have no say and which the municipalities, at great expense, are going to have to implement.

What's going to happen beyond that is that the complaints are going to start to come in, because the procedures that the minister is recommending—for example, procedures with regard to right of entry, which have been somewhat improved—will still not be adequate.

Mr Stockwell: This much?

Mr David Johnson: Yes, about that much. The member for Etobicoke West says they're approved about one millimetre, when they have about another kilometre to go to be useful.

The problem is that to get into a unit to see if there is a violation when the complaints come in—and the complaints won't come here. The complaints won't come to this Legislature. The minister will never hear of the complaints. The complaints will go to the local municipalities. People will come to the local council meetings, people will phone their local mayor, their local councillor, and they'll complain about problems, about lack of maintenance, about noise and other problems associated with these apartments, and they'll insist on an inspection. But when the municipal inspector goes to the door and attempts to enter, the municipal inspector, as the inspector is today, will be denied the right of entry, and these new entry powers that the minister says are so improved will be of little use. They're just a very slight improvement.

Consequently, the municipalities will still be under the gun. So you start to see why municipalities are not too happy about this. The minister says municipalities are not happy because they are not representative of the whole population. The minister says that some people vote more than other people and consequently certain people aren't represented and that's why municipalities aren't happy. But when municipalities have had their planning authority taken away, when they are going to have to face angry citizens to explain something that has been mandated on them, and when they're going to get complaints day in and day out about this, I think they have every right to be concerned.

Mr Stockwell: I think the member for Don Mills has enlightened this House with respect to the ramifications of this piece of legislation.

Mr Gilles Bisson (Cochrane South): Something you

have never managed to do in this House.

Mr Stockwell: I hear the member for Cochrane South blathering. I'll ignore him.

He has brought forward the number of difficulties this piece of legislation will face in the local municipalities.

You talk about an official plan amendment. It's very true; when you want to amend an official plan—you probably have to amend 99% of the official plans out there—that's going to mean a public hearing in every municipality. Those people in those municipalities who don't favour this type of legislation will have to come out to a meeting and be told there's nothing they can do about it, if you're looking for an official plan amendment.

You're talking about changing the makeup of neighbourhoods in Metropolitan Toronto, throughout this province.

Mr Randy R. Hope (Chatham-Kent): Point of order, Madam Speaker: I believe the critics were dividing the time and then there would be questions after both critics had made presentations.

The Acting Speaker: That was not agreed upon.

Mr Hope: Just so we know about the time allocation.

The Acting Speaker: Please resume your comments, the member for Etobicoke West.

Mr Stockwell: When our member, who was going to go first, gets her hour and a half, that's maybe when that will take place. This wasn't it. Can I have the time back on the clock?

Mr Bisson: No.

Mr Stockwell: I don't get the time back on the clock?

Anyway, as I was saying with respect to the official plan amendments, that will have to take place in every municipality and community around this province. Neighbourhoods that were designed as single-family residential neighbourhoods will now have to deal with this kind of draconian change legislated from the top down, when there are duly elected officials at the local level who understand the needs and concerns of each individual neighbourhood.

This flies in the face of New Democratic planning policy. It's a cookie-cutter approach to planning. Different neighbourhoods have different needs and different concerns and different issues. To simply legislate basement apartments across the board in every neighbourhood, in every community in the province of Ontario is absolutely planning fiasco and totally unacceptable. I thank the member for Don Mills for bringing these forward.

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Mr George Mammoliti (Yorkview): This is not a planning fiasco, as a matter of fact; it's managing a problem. I would argue that with anybody, including the individual who just stood up from Etobicoke West for two minutes. I'm assuming it's for two minutes.

Anybody who argues that this will not solve a particular problem is wrong. In North York, there are a number of us who are saying that this bill will solve the problems that the individual from Etobicoke West is standing up here and talking about. This bill will, in essence, solve

some of those parking problems that the member keeps talking about.

Mr Stockwell: How so?

Mr Mammoliti: "How so?" he asks. Currently in the city of North York, the municipality isn't doing anything about parking. Currently in the city of North York, the municipality isn't doing anything in reference to even attempting to go into the units when there's a problem.

Today I had a call in my constituency office about a similar problem, where there are a number of people who are renting out a particular home, and I'm investigating that as we speak; my constituency office is. The city of North York doesn't want to investigate, in my opinion. This bill will bring it under the scope of a piece of legislation that I think would make it a lot easier for the city of North York to go into these units, to deal with the parking problem and pass the bylaws that are necessary for the problems that exist when we talk about simple things like parking.

Now the argument the member gives to me is, "What about all these tenants?" I'm going to stand up in a few more minutes and talk about this myself. Madam Speaker, in a few minutes I'm going to bring my views on this particular argument and I'll share them with you.

The Acting Speaker: The member's time has expired. Are there any other members who wish to participate in questions and/or comments? Seeing none, the member for Don Mills has two minutes to respond.

Mr David Johnson: Madam Speaker, I guess you won't be too surprised when I say that I think the member for Etobicoke West has the best grasp of the planning implications of this bill, as opposed to the member for Yorkview, for example.

You might think that's simply out of partisanship, but it happens to be the position of the Association of Municipalities of Ontario; it happens to be the position of just about every municipality, if not every municipality, in this province. When you start to line that expertise up against the expertise of the member for Yorkview, with all due respect to the member for Yorkview, then I think you have to at least ask yourself, are all the municipalities in this province wrong or is somebody else wrong?

The member for Etobicoke West says there's going to be tremendous cost because all of the official plans—somebody must think you just go in there with a pen and make a few strokes and change an official plan overnight. It's an extremely expensive operation. You have to have particular expertise, and then there's the public hearing process. This is going to require a lot of time and effort.

Mr Stockwell: The OMB.

Mr David Johnson: Yes, an OMB hearing possibly. So the member for Etobicoke West is absolutely correct.

The member for Yorkview seems to feel that somehow parking problems are going to be solved if you can get into a unit. Well, first, this legislation isn't going to help you, hardly at all, gain entry into a unit. I doubt it'll be the list bit of assistance.

Mr Mammoliti: It will so.

Mr David Johnson: The member says it will so, but

I'd like him to be more specific as to how this will help. Secondly, if you get into a unit, how is that going to help with the parking problems? Is somehow more parking going to magically appear on the street? I don't really know.

Mr Mammoliti: The tenants will disappear.

Mr David Johnson: Oh, the tenants will disappear. If you get into the unit, somehow the tenants will disappear. But you know, that could be a result. In some units, it'll be too expensive to fix up the unit, and tenants will be kicked out on the street. That may well be. The member for Yorkview may have a point. Some tenants will lose their accommodation as a result of this bill.

The Acting Speaker: I do wish to inform the members that it was agreed last night that the leadoff speaker for the third party would be allowed to debate today.

Mrs Margaret Marland (Mississauga South): There is a great deal to be said about Bill 120, and I think to start my comments on Bill 120, I would like to read the first explanatory note of the bill, because I think it's important for us to understand what this bill is doing and, equally importantly, what this bill is not doing.

I'm reading from the bill's explanatory note itself: "The bill introduces a new concept of a care home as a residential premises occupied by persons who receive certain care services such as medical or health care services or assistance with the activities of daily living. Care homes are added to the list of residential premises that are subject to the Landlord and Tenant Act, but the charges made for care services or meals to tenants in care homes are not included in rent. Certain accommodation that is presently excluded from the list of residential premises is also added."

What is happening with Bill 120, as I said in this chamber the day the Minister of Housing introduced Bill 120, is in my opinion a misuse of the parliamentary process. First of all, we had Bill 90 tabled in this House by this government over a year ago. At the time that Bill 90 was tabled in the House, the government very quickly became aware—whether or not they wanted to acknowledge it or not is another matter—of the fact that there was a tremendous outrage by the people of this province through their local municipalities and through direct contact with their elected representatives of the Ontario Legislature.

Now here we have Bill 90, which permitted basement apartments and granny flats, as of right, on the property of any single-family home in this province. That meant not necessarily a single-family home on a single lot; it meant semidetached houses and row housing, stacked town houses. For everyone who owned a home, regardless of which category of home it was, Bill 90 permitted them to have the addition of a single-family dwelling unit.

This single-family dwelling unit could be in the basement or it could be an on-grade granny flat. The only exception to this as-of-right provision of Bill 90 was the requirement that if the property was not connected to city sanitary sewers and was on septic tanks, it was not allowed. With the exception of the property being on

septic tanks, anyone could have this additional single unit to that property.

It didn't talk about where the granny flat had to be, whether it could be in the side yard or the rear yard or even the front yard if it was deep enough. It had no regard to municipal planning at all, and I'm going to deal with the details of what was Bill 90 further on in my debate.

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What is important to understand is that Bill 90 would not have passed in this chamber without a lot of strong opposition debate. Interestingly enough, the debate, as I said, was not only going to be in this chamber but was also going to take place through organizations like the Association of Municipalities of Ontario and the other levels of government, which also represent the same people the members of this chamber represent.

Here we had a situation where there was tremendous opposition to one bill, and what has happened is that this government, I presume, did not have the courage to bring that bill back as Bill 90. Instead, the Minister of Housing stood in this House and withdrew Bill 90. At the same time, she introduced Bill 120.

However, when we came to examine what Bill 120 covered, we realized that Bill 120 was in fact an omnibus bill containing all of the previous areas that were covered in Bill 90, but now it was linked to the matter of regulation of rest and retirement homes in this province.

I could say that to introduce an omnibus bill that on the one hand contains something the government knew the opposition parties were totally opposed to, and to link that with a matter that not only for the most part we are in favour of but also have been actively requesting, to put these two matters together, is rather sleazy and rather underhanded of this government. At best, it is very unrealistic on their part to think they're going to fool anybody by coming in with an omnibus bill that says, "Here are two matters. You're going to have to either vote against both of them or vote in favour of both of them," knowing full well that we're not in favour of both of these matters that now are addressed in Bill 120.

Lest the government members do not know the history of what we have been calling for in the matter of the regulation of rest homes in Ontario and why we would have supported Bill 120 if it had dealt only with the regulation of rest and retirement homes rather than including the other provisions of Bill 90, I want to recall for those members why we have been calling for regulation of the presently unregulated homes.

The benefits of regulating rest and retirement homes have been considered on several occasions in the past. Discussion about regulation has often followed on the heels of a tragic occurrence at an unregulated home.

We certainly are aware of a tragedy in January 1990 when four elderly residents were killed in a fire at an Ottawa home for the aged. Their deaths prompted calls from seniors' groups for provincial regulations to ensure a standard of care and safety for occupants. The Liberal government, already in possession of a report from an April 1989 advisory committee on rest homes that urged

the government to regulate rest homes, neglected at that time to take any action.

In April 1990, a Brant county medical officer of health urged the province to licence homes and pass regulations to set standards on food, medication and care in rest homes after several incidents of abuse or poor care were reported. The medical officer reported that other health boards had similar concerns about rest homes in their area.

Bear in mind, of course, that this wonderful omnibus bill, Bill 120, which is what we are debating here this evening, doesn't address any of those concerns. It doesn't address standards of food or medication or care in any way at all. It simply addresses tenancy.

Throughout 1989 and 1990, then-Community and Social Services critic Dianne Cunningham, the member for London North for the Ontario PC caucus, lobbied extensively for the regulation of rest homes. The PC Party urged the Liberal government to take action on the 1989 recommendations of the advisory committee.

The tragic scalding death of a North York retirement home resident in July 1990 brought the issue of regulation to the forefront of discussions again. In this case, the coroner's office that conducted the inquest suggested the government take a regulatory role in the operation of rest homes. Nothing has been done with any of those areas and nothing will be done by the passage of this Bill 120.

During the summer election campaign of 1990, Mike Harris made a commitment to vulnerable adults residing in unregulated rest homes. Recognizing the opportunity for emotional, physical, financial and sexual abuse in these settings, Mike Harris promised to address these disturbing problems by "introducing legislation to regulate minimum standards of care and service in Ontario's rest homes." Mike Harris concurred with some findings of the Advisory Committee on Rest Homes, which reported to the minister responsible for senior citizens' affairs in April 1989. Specifically, he suggested legislation that would guarantee the quality of meals, a 24-hour staff presence, adherence to health standards and maintenance of a personal record for each resident.

Those were the concerns in the summer of 1990. We are now in December 1993, and none of those concerns has been addressed. As I say again, none of those concerns will be addressed by this particular legislation.

Part of the input for Bill 120 comes, of course, from the report of the Commission of Inquiry into Unregulated Residential Accommodation, which has become known as the Lightman report. Chief among Dr Lightman's 148 recommendations were the following: the creation of a bill of rights for residents of rest and retirement homes which would include the provision of locked spaces for storage of residents' belongings; the provision of a secure lock on bedrooms, a preventative measure to protect vulnerable adults from sexual assault; the right to decorate rooms as residents wish; the right to privacy, including no physical searches, no restrictions placed on access to mail, telephone, newspapers, radio and television and the right to receive mail unopened and to have visitors; and the right to practise religion.

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Mandatory municipal registration of all rest homes: Currently, public health and fire departments don't even know how many homes exist in their areas. It's rather a scary thought to think that there are rest and retirement homes in communities that the municipalities are not aware of. This bill doesn't do anything about that area identified by Dr Lightman.

Mandatory minimum staff-to-resident ratios at all hours and minimum required job skills and competence levels for staff: Obviously, Dr Lightman was very concerned about staff-to-resident ratios, and if he's talking about staff, he wanted them to be skilled at their job. That is not addressed by Bill 120.

Another of Dr Lightman's recommendations is a maximum to be set on the size of rest homes to limit the number of residents allowed in any facility. I think that has to be very important too. That is not addressed by this bill.

A speedy way for landlords to evict troublesome or dangerous tenants: Some administrators of privately run institutions complained about the Lightman report's use of sweeping generalities to describe conditions in rest homes. While objecting to some broad characterizations used by Lightman, operators are generally supportive of a regulatory system to monitor standards of care. These are the operators themselves, the members of the Ontario Long Term Residential Care Association. These members of OLTRCA are supportive of regulations because through regulations being imposed and being effective, obviously they will be rid of the kind of operators that none of them wish to be associated with. Some concerns, however, were voiced from operators about the inclusion of facilities in the Landlord and Tenant Act.

The Ontario Long Term Residential Care Association has made the following observations: "This association was started in 1977. It is a non-profit organization which provides members with education, special events, industry evaluations, communications and public information services. The association sets standards for members through its own code of ethics, resident contracts, commitment to residents, administrators' certificates and training programs."

I'm just going to stop at this point because I find it very interesting that a few minutes ago we had perhaps six people in this House. I guess I should be very complimented, because when I got up to speak we had the arrival of several members of cabinet, including the Minister of Housing. I think it's—

Hon Evelyn Gigantes (Minister of Housing): On a point of order, Mr Speaker: I believe the member is out of order in noting the presence or absence of any member of this House.

The Speaker (Hon David Warner): To the member for Ottawa Centre, it is indeed parliamentary practice not to mention the absence of particular members. However, it could be seen as a compliment that particular members are in the chamber when a certain member is speaking. But members, generally speaking, refrain from mentioning who is not present.

The member for Mississauga South would assist the

Chair if she were to direct her remarks to the Chair and continue on her observation of the bill which is before the House.

Mrs Marland: Thank you, Mr Speaker. I'm happy to address my comments to you.

I think it's interesting, however, that the government members have such a wonderful double standard, because I heard earlier today during question period the Treasurer criticizing the leader of the official opposition, Lyn McLeod, for her absence and in fact welcomed her back. So you talk about noting absences; I would suggest to the Minister of Housing that her own Treasurer already did that earlier today, at which point we did not stand on a point of order and say that was out of order.

The Speaker: Could the member for Mississauga South direct her remarks to the Chair and pertaining to the bill which is on the floor of the House.

Mrs Marland: I'm happy to do that. Mr Speaker, I am very complimented and I'm very flattered by the fact that in the last 15 minutes we now have all this influx of members of cabinet to the House. In fact, we have eight members of cabinet here, and I am complimented by that, that they wish to come in and hear my speech. Sometimes we hardly have eight cabinet members here for question period.

Interjections.

Mrs Marland: And the fact that there are so many interjections—

The Speaker: Order.

Mrs Marland: —we have somebody in here in his suspenders without a jacket on the floor of the House who's now making interjections not even from his seat.

I am complimented, though—let me say that, Mr Speaker—by the fact that they wish to prattle on and cause the interjections.

The Speaker: Could the member, please, direct her remarks to the bill and direct her remarks to the Chair.

Mrs Marland: Mr Speaker, I will be happy to direct my comments to the bill if you would ask the members of the government not to interject, in fairness.

Interjections.

The Speaker: Order. The member for Mississauga South has the floor.

Mrs Marland: On the release of the Lightman report, Rick Winchell, the director of the OLTRCA, said that his association had been a long-time advocate of regulating rest homes. The association has actively been lobbying the government for legislation for the past eight years. Winchell suggested that province-wide standards would weed out the 15% to 20% of operators who are abusive.

In regard to the inclusion of rest homes in the Landlord and Tenant Act, the OLTRCA has stated that: "No one would be served by housing legislation. Residential care should be regulated by the province within the health care system. The Landlord and Tenant Act is legislation geared towards the protection of tenants and will do nothing to assist residents requiring 24-hour personal care. OLTRCA believes that standards should be monitored by the Ministry of Health, not Housing, which has

a better understanding of the needs of post-psychiatric and elderly residents." I don't believe that the Minister of Housing has any special area of expertise in the understanding and needs of post-psychiatric and elderly residents in terms of their 24-hour personal care.

As long as there are no province-wide standards for care for these people in these facilities, they are unregulated and that means that this care, which is really attendant care, is also unregulated. The residents only have rights under the Landlord and Tenant Act and the Rent Control Act. They don't have any rights in terms of the right to have those concerns that were addressed by Dr Lightman that bear directly on their care.

I received yesterday a fax from a group representing the Ontario Long Term Residential Care Association in Ontario and I want to point out that these are the comments of OLTRCA that I wish to place on the record in the hope that the government will address these concerns one way or another. I'm not saying necessarily that all of the points that they made are the concerns. We do share the majority of them, however.

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"Bill 120, introduced in the Legislature last week, will cause serious barriers for retirement homes to continue to deliver all-inclusive, 24-hour personal care." I'm quoting entirely from this communication from OLTRCA.

"Unfortunately, the Minister of Housing took the Lightman commission's recommendations literally and applied them to this sector when in fact the majority of Professor Lightman's concern lay with unregulated boarding homes.

"Retirement homes have been advocating for years the need for province-wide standards and a formal system of disputes resolution to address concerns such as adequate care, resident safety, limited contract disclosure and emergency relocation.

"It had recommended that these problems be dealt with by enacting legislation that incorporated mandatory standards to be enforced by the municipalities. These standards would set out the terms for obtaining a licence to build and operate a retirement home and should apply to all residential care settings across both public and private facilities.

"But this government would not listen to this reasonable request and instead has decided to apply both the Rent Control Act and the Landlord and Tenant Act to retirement homes, thus tying it up in bureaucratic, expensive red tape which will cause severe problems for residents and their families.

"Application of these two acts will create the following problems:

"The Landlord and Tenant Act will make it impossible for retirement homes to deal with emergency situations quickly, particularly when a resident becomes a danger to others.

"Appeals can take up to a year. There is little or no case law in this area....

"What is required is a 'fast track' approach which takes into concern emergency situations.

"This legislation also fails to take into account special circumstances for short-term-stay residents."

Other areas of concern, as I continue to read this communication, are: "Retirement homes are very concerned that they will be unable to deal with those residents who refuse to pay for care services other than going to Small Claims Court on a monthly basis....

"The government must determine how it will deal with the general welfare assistance residents who currently reside in retirement homes.

"The government has reserved the right to apply rent control to care services by introducing a regulation at a later date. We believe this is an unduly harsh approach which could penalize the entire sector if one home steps out of line.

"Residents stand to lose from a tax standpoint. First, they will lose their GST-exempt status because GST will now be applied to most non-shelter services. Residents also stand to lose some or all the benefits from medical tax receipts....

"Owners and administrators are concerned that a resident will now be able to sublet their spaces to anyone.

"Finally, there will be the inevitable impact on necessary capital expenditures. Renovations are often made to retirement homes for safety, retrofit reasons. Under rent control, there are severe restrictions to recovering necessary capital expenditures.

"After spending years on dialoguing with this and the past government for province-wide standards for the sector, it is very disappointing to see once again the wrong approach being applied to what is an important part of our health care system—Ontario's retirement homes."

That's the end of the quote from the Ontario Long Term Residential Care Association in Ontario.

There are a number of areas that we are concerned about. I'm just going to try to highlight some of them because of the fact that we are limited in time on this debate. One of the areas of concern is "In cases of incompetent patients (eg advanced Alzheimer disease), the family members will lose status as decision-makers under the Landlord and Tenant Act...we need to clarify how the Advocacy Act, Substitute Decisions Act and Consent to Treatment Act will interplay with the Landlord and Tenant Act in these cases. The role of the family members as decision-makers has already been somewhat diminished." We need to have that question clarified for the people of this province.

Another area is that "Short-term contracts for respite and emergency care and short-term agreements with municipalities may no longer be possible, either." We don't have that answer yet from the government. If there is an exemption to be granted, we need to know that now.

There is an organization in Windsor, and I'm glad the member for Windsor-Riverside is in the House because I'm sure he is familiar with this organization, and that organization is ALPHA, which is the Apartments for Living for Physically Handicapped Association, and I will refer to it as ALPHA as an acronym.

I received from ALPHA a letter dated December 1, 1993, and I think it's very important for this letter to be on the record of this debate today on December 7. The letter on ALPHA's letterhead is over the signature of Mr Charles Gascoyne, who is a board member, and it reads as follows:

"Re Bill 120—Apartments for Living for Physically Handicapped Association, Windsor, Ontario.

"I wish to introduce myself as a member of the board of directors of ALPHA. I was very disappointed to learn of the introduction of Bill 120 through the media. I would have hoped that the ministers of Housing, Health and Community and Social Services would have extended us the courtesy of advising us directly of its introduction, given events which they would be aware of since the spring of this year. I find it even more disconcerting in that we have asked for assistance from our local MPP, Dave Cooke. We had been led to believe by his office that he was looking into the matter on our behalf and would be advising us. By taking a leadership role in this matter at an early date and discussing the proposed amendments in an open and frank manner ALPHA could have saved a great deal of unnecessary expense.

"As you will be aware, Bill 120 proposes to treat residential care facilities such as ALPHA as simple residential tenancies under the Landlord and Tenant Act without regard for the implications of the care component. Unfortunately, the proposals put forward by Bill 120 ignore the serious and genuine care issues which should have been addressed to provide increased protection to both the residents and the care givers alike. This action by the government has therefore caused the continued existence of ALPHA, as it is now, to be called into question.

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"Bill 120 as proposed is incompatible with the attendant care program currently provided at ALPHA and will force the end of ALPHA's attendant care program unless the government addresses our concerns in a responsible manner. After a great deal of consideration and debate, the board of directors of ALPHA is forced to announce today the termination of this valuable program in our community effective March 31, 1994.

"I enclose a copy of the resolution passed by the board of directors last evening. All parties affected by the decision of the board are being notified of the board's decision today to allow the maximum time period to adjust to the changes being forced by Bill 120. In the interim, we are calling upon the government to meet with our organization not later than December 15, 1993, to discuss our concerns with respect to the proposed amendments with a view to preserving the integrity and the continuation of the attendant care program. In this connection, I would also ask that your office contact the administrator at the number above to arrange a meeting so that we may raise our concerns with your caucus."

I doubt very much whether ALPHA could be aligned with any political party in this province. So this is a letter of concern which has nothing to do with who the government is or who introduced the bill or what my role is in this Legislature. This is simply a letter that is stating a matter of fact on the impact of Bill 120 on the care and

the opportunities for people who are living with physical disabilities. We're talking about apartments that are specially planned and used for people with physical disabilities.

Unfortunately, we have had some problems with this government, which seems to not be able to prioritize in terms of people with special needs. When this party was in opposition, it certainly felt that at every opportunity it would bring to the attention of this House its concerns about people with special needs.

But I think there was a very clear message sent out in this province last Thursday morning, when I brought my resolution to the floor of this House to address the needs of people with developmental challenges as adults. At that time, the member for Chatham-Kent, who I understand is the parliamentary assistant to the Minister of Community and Social Services, voted against my resolution. The message that went out loud and clear was that he was voting on behalf of his minister, because when the parliamentary assistant takes a position, obviously there's no other way to interpret it.

There is a press release which the Apartments for Living for Physically Handicapped Association attached with its letter that it sent to me. I will not take the time to read all of their press release, but I think it's important to read a number of quotes from it, and I will quote.

This press release is also dated December 1, 1993. It says: "ALPHA has been a successful model in the deinstitutionalization of the disabled and remains committed to this distinctive approach in the continuum of long-term care in the city of Windsor....

"Bill 120 proposes to treat residential care facilities such as ALPHA as simple residential tenancies under the Landlord and Tenant Act without regard for the implications of the care component."

Further, "Bill 120 as proposed is incompatible with the attendant care program currently provided at ALPHA and will force the end of ALPHA's attendant care program unless the government addresses our concerns in a responsible manner."

Isn't there some irony in the fact that this letter to me from ALPHA in the city of Windsor and its press release of December 1 talk about the fact that it has been very successful in helping those people who have been deinstitutionalized, those people who have different disabilities and very big challenges in order to cope in their daily lives, and this government is the one that is planning the deinstitutionalization of many of our people with special needs, a program which obviously is one that we support as long as there are the support services in the community for those people who need them? Here we have an organization like ALPHA, which meets those needs of those people when they come out of the institutions, and here the board of this organization is telling us that Bill 120, this bill we're debating tonight, is going to put them out of business. That's a tremendously sad commentary on this government and its inability to listen to people.

Hon Ms Gigantes: It is a threat. It is one of the reasons why we need a bill.

Mrs Marland: The Minister of Housing is saying that

this is a threat. If the Minister of Housing is saying this is a threat by ALPHA, I'm sure they would be more than happy to discuss why they had to make the decision to close their facility as of March next year. If either the member for Windsor-Riverside or the Minister of Housing would like to take the time to assure these people that they don't need to be concerned, then they wouldn't need to write this letter.

They actually sought, as they said in their letter, the assistance of their local MPP, Dave Cooke, and they were led to believe by his office that he was looking into the matter on their behalf and would be advising them. I'm happy to refer this matter to the Minister of Housing, who suggests that this is a threat, and let her resolve it on behalf of these people with special needs.

Our PC Party of Ontario is very concerned about people with special needs. I have stood in this House any number of times and asked the government to support the decisions that look after people with special needs before it does anything else. Even in this recession I have said that people with special needs have to come first because they are hurt more than anyone else when circumstances change and their means of support are removed.

One of the things the resolution of the ALPHA board says is, and I read again: "And whereas the government failed or refused to provide this information to the board of directors of ALPHA notwithstanding knowledge that ALPHA was presently before the courts on this issue and had been requesting guidance on this issue since on or about May 1993...." They still didn't know about it.

Further on, it says: "And whereas the government of Ontario introduced Bill 120 on November 23, 1993, which legislation inadequately addressed the issues raised in the report of Dr Lightman;

"And whereas counsel for the tenants challenging the validity of the 1987 amendments had been advised on Monday, November 22, 1993, that the amendments would be introduced to the Legislature for the province of Ontario on November 23, 1993, and had been invited to a press conference related thereto....

"And whereas the provisions of Bill 120 are incompatible with the attendant care program operated by ALPHA"—and the rest.

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I think I'll just read the final part of their resolution, which says, "And further that the president request a meeting with the ministers of Housing, Community and Social Services, and Health, and Dave Cooke, MPP Windsor-Riverside, and representatives of the ALPHA board of directors...." Obviously, the resolution they have passed there says they want to meet with the ministers, and I certainly hope that when that happens, this problem for this organization will be resolved.

The Commission of Inquiry into Unregulated Residential Accommodation released this news release on June 24, 1992. There are some parts of this that I think need to be also introduced to you. They're talking about "Inquiry Proposes Bill Of Rights To Empower Rest Home Residents...A bill of rights for rest home residents and a tribunal to enforce it."

They go on to talk about how "Research done for the inquiry estimated that some 47,500 vulnerable adults live in rest homes." They also say: "The new bill of rights would set out protections and rights regarding both the physical environment and the quality of care in rest homes. Violators could be taken to the proposed rest homes tribunal." Again, the need is identified to address the quality of care in these homes, not just the tenancy. This bill does not do that.

"The report also calls for coverage of all rest homes under the Landlord and Tenant Act.

"In all, Lightman's 340-page report contains," as I said earlier, "148 recommendations."

Again, this news release from the Commission of Inquiry into Unregulated Residential Accommodation, which obviously is sponsored by the Ontario government, talks about key proposals. The key proposals are mandatory municipal registration of all rest homes, and mandatory minimum staff-to-resident ratios. This is a government inquiry that talks about what is needed. It talks about a "phase-out of domiciliary hostels." It talks about "Planning Act amendments to prevent municipalities from systematically zoning to exclude rooming, boarding and lodging housing and accessory apartments."

To quote Dr Lightman, "We considered adopting the nursing home model of comprehensive regulation, but we concluded a rights-based approach combined with limited regulation would better achieve empowerment and protection, at lower overall cost."

I think it is regrettable that with all of the areas Dr Lightman addressed as being very necessary for the protection of those residents of retirement and rest homes, this government has chosen to select only one of them. In fact, the information about all of those other areas is still being ignored in terms of quality of care and staffing ratio and the other areas I've already put on the record. We regret very much that this is what is happening with Bill 120.

When Bill 90 was introduced in this House, I tabled a private member's resolution. I think it's important to remind you, Mr Speaker, of what that resolution contained, because the wording of the resolution addressed the concerns that we have about that section of Bill 120 that pertains to basement apartments.

When I placed this resolution on October 8, 1992, it read as follows:

"That, in the opinion of this House, recognizing that on June 18, 1992, the Minister of Housing released the consultation paper, *Apartments in Houses*, which contains draft legislation to allow home owners to create an apartment in a house without municipal zoning approval; and recognizing that the Housing ministry's consultation period, even with the ministry's decision to accept written submissions after the deadline of August 31, 1992, is inadequate for legislative changes of this magnitude; and recognizing that several parties, including the Association of Municipalities of Ontario, many municipal councils, the Ontario Home Builders' Association and many ratepayer groups, have identified serious deficiencies in the proposed legislation; and recognizing that these defi-

ciencies include the following:

“—Failing to recognize that accessory apartments, unless located in suitably zoned areas, may not offer a reasonable quality of life for their occupants or be compatible with their surrounding neighbourhoods;

“—Failing to provide adequate legal protection to home owners who need to regain possession of their accessory apartments;

“—Interfering with municipal zoning authority and negating official plans and decades of land use planning decisions;

“—Failing to provide municipalities with licensing authority for accessory apartments;

“—Failing to consider how municipalities and the school boards will pay for the services required by the residents of accessory apartments;

“—Failing to consider whether sufficient infrastructure is in place to accommodate the residents of accessory apartments;

“—Failing to require onsite parking for accessory apartments;

“—Contributing to the ‘absentee landlord syndrome’ by failing to limit accessory apartments to owner-occupied homes;

“Therefore, the Minister of Housing should not introduce the legislation proposed in the consultation paper, Apartments in Houses, which would permit an apartment as of right in a detached, semidetached or row house.”

Obviously the minister had no regard for any of the concerns that were addressed in that motion. She did then bring forward Bill 90, which she left with the purview of the House until last week, when she withdrew Bill 90 and brought forward Bill 120, which of course, as I have already addressed, included all of the same components and consequently all of our concerns still stand.

In this area of where I had said, “Failing to provide adequate legal protection to home owners who need to regain possession of their accessory apartments,” on that subject, I just would like to tell you about an example that is not fiction; it actually took place. It’s referred to in an article by Alan Silverstein in the Toronto Star on October 23 of this year. Under the headline, “Under Bill 90, There’s Little Respite from ‘Tenant from Hell,’” he says in his article:

“When tenants won’t voluntarily leave, landlords face costly, time-consuming court proceedings to get an order for possession. No distinction is made between individual and corporate landlords, or between small and large buildings; the same law applies to everyone....

“What if Bill 90 was passed and the proverbial ‘tenant from hell’ lived in that self-contained apartment downstairs?

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“Say Ted went on a rampage, causing \$2,500 damage to his landlord (Jeff’s) basement. Or Jim blared his stereo in the basement night after night, making it impossible for the landlord (Al) and his family to sleep. What could Jeff and Al do?

“Once again, a landlord’s hands are effectively tied by

the Landlord and Tenant Act. No automatic evictions are allowed; termination notices specifying the complaint must be first served on the tenant. And once again the tenant gets a statutory second chance.

“Jeff must give Ted seven days to either arrange to pay the costs of repairing the premises or make the repairs to Jeff’s reasonable satisfaction. Al must give Jim seven days to cease and desist those activities which ‘substantially interfere with the landlord’s reasonable enjoyment of the premises.’”

There are situations where I totally support the process in terms of notice of eviction, but how this government feels they have to include in this act people who rent space in their own apartment in their own home—

Hon Ms Gigantes: Speak up, Margaret. We can’t hear you, Margaret.

Mrs Marland: When you have an apartment in your own home, it’s a little different than an apartment in an apartment building. When you’re dealing with people who live in that same home and it is shared with someone who comes into that house with an agreement to lease that space, during the process of making that agreement the tenant gives certain information to the home owner. It may be something as simple as whether or not they smoke. Whether or not they smoke may seem simple to some people, but if it’s a health matter to the people who own the house then it becomes very critical as to whether or not that tenant smokes. There is no way the owner of the house can evict a tenant because they said they weren’t smokers and now they’re smokers. That’s just an example.

The fact that the tenant now has tremendously powerful rights in a private home just doesn’t make sense, because I can assure you that the idea of selling basement apartments on the premise that it helps people, young couples for example, get into home ownership or, at the other end of the age scale, seniors to remain in their homes because now they can legally have somebody in their basement is not any measure of security, because through my own office I know of a young couple who bought their house because there was rentable space and their tenants did not pay their rent for nine months. It took nine months to evict that couple. In the meantime, the couple who owned the home had to give up the home under power of sale because they could not meet their mortgage payments because they had counted on the income from the tenant in the basement apartment.

We have similar examples where seniors have hoped to stay in their homes with someone coming to live there and have found that, as Alan Silverstein says, they ended up that they were tenants from hell. The mental stress that has been endured by some seniors who have rented space in their own homes is unbelievable.

The other aspect of this is the fact that we’re saying basement apartments are a solution to affordable housing. Of course, we have long since said that our dream of affordable housing for people in this province is not a view from a basement window.

It’s rather interesting that this concern about how you can evict an undesirable tenant is also shared by North

York mayor Mel Lastman. He said, in an article written by Dick Chapman in the Toronto Sun of January 28 of this year:

"Many Metro home owners could get stuck with nightmarish tenants under provincial plans to legalize apartments in private homes, warns North York mayor Mel Lastman.

"The NDP government's Bill 90 would create legal apartments in houses in every type of residential zone in the province. Lastman says that will increase crime and create new problems and snow removal.

"Soon, any home owner will be able to run a rooming house or a basement apartment in a single-family house and then how the hell do you get rid of a bad tenant? It's easier to get a divorce. What are they supposed to do, kill each other?"

Mr Lastman goes on to say "he doesn't object to the apartments but said owners in single-family residential areas—R-1 zones—should be given greater powers to evict bad tenants."

That is the concern: How do people evict a bad tenant? What is a bad tenant when that person is in your home? This government wouldn't even agree to make it a prerequisite that the homes be owner-occupied. That's what Mel Lastman is referring to, the same concern that Mayor Hazel McCallion in Mississauga has talked about, and that is the fact that if there isn't a requirement for the owner of the home to be there and they are totally tenant-occupied with this multiple occupancy, who cares what the noise is or what the parking problems are and everything else that may be associated with a basement apartment?

We've actually had a very serious situation where a woman in Toronto ended up being taken to the police station herself because she hammered on the door of her basement apartment tenant who owed her money. In fact, I think the back rent is stated here in this article. She was more than three months behind in her rent, so this woman went down to demand her rent from her tenant and the tenant called the police. The owner of the home was taken to the police station.

It's a pretty scary thought that those are some of the things that will happen with the enactment of Bill 120.

I don't have any confidence that this government has read any letters that have been in the newspapers on this subject, but there certainly have been a great number of them. I have received, not only from my own riding but from across this province, a large number of letters stating their concerns about basement apartments and granny flats. In fact, a number of these letters, I notice, were also sent to the Minister of Housing. It would be interesting to know whether there was a response to those letters and what the response said.

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One of the best letters I've seen on this subject was printed in the Toronto Star on January 7 of this year, and this headline reads, "Apartment Law Undermines Municipalities." The name printed on this letter is Fran Wallace, Mississauga. Fran Wallace says:

"I am responding to your editorial of November 9

regarding the provincial intensification (basement apartment) legislation (Bill 90) introduced in October. I am surprised the Star would write in support of the legislation when it is obvious your position is so poorly researched.

"let's get some facts straight. There are a tremendous number of opponents to Bill 90, not the least of which is the Association of Municipalities of Ontario (AMO). More than 100 municipalities across the province have reported their concerns to AMO, their top worry being the undermining of municipal authority. As a ratepayers' president, I support their position and see many, many additional problems with the legislation.

"First, let me state that I am very aware and supportive of the need for affordable accommodation and reduction in urban sprawl. However, this legislation will create more problems than it solves.

"Uppermost in my mind is the increased demand in community services which will result from the additional apartment residents and therefore the need for extra funding.

"Let's take the worst-case scenario: schools. Every additional child in the school system is a big cost. Right now, 63% of my municipal tax bill goes to education. The NDP is 'dreaming in technicolor' if it thinks homes with accessory apartments will be paying their fair share of the taxes under the proposed legislation.

"The NDP figures that houses with accessory apartments will increase in value and therefore their municipal taxes will go up accordingly.

"Sorry, but I disagree. The assessed value of a house must increase by \$5,000 before any municipal tax increase can be levied. In my area, most of the houses already have finished basements. Any adjustment to accommodate tenants would be minor and not increase the value of the home substantially, if at all.

"In new homes where the basement does require finishing, most of the increased value would be swallowed up in that \$5,000 benchmark, meaning little tax increase will occur.

"So where is the extra tax money going to come from? The fact is that home owners who elect not to have accessory apartments will be doubly punished through the extra taxes that inevitably will be levied to cover the cost of those with tenants and a loss of rental income by keeping the dwelling as a single-family residence.

"The position that the NDP has taken that accessory apartments will be a good income source for those on limited budget ie, seniors or a young couple buying their first house, is very misleading.

"These apartments will fall under the Landlord and Tenant Act, meaning that removal of a bad tenant (for non-payment of rent or disagreeable lifestyle) will be a long and costly process if the tenant doesn't want to leave. Documentation of the problem will require several months, then there are legal costs to consider, on top of emotional stress. Not much of a sales point, is it?

"Two other factors which must be considered include absentee landlords and the definition of what constitutes a household.

"Absentee landlordism is allowed. The definition of household composition is now wide open—people do not have to be related. What is to stop a business person from buying up six homes in an area and renting out to 12 tenants, any one of which could include 15 non-related individuals. Is the NDP legislating ghettos?"

"Your comment that the size of the average household is shrinking and therefore the services in communities, particularly in older areas, are underutilized is again misleading.

"My area demonstrates the problem with such broad statements. Built in the 1950s, our neighbourhood composition has undergone tremendous change over the years.

"When I moved in in 1980, the school was closed and sold because there were too few children in the area. In the last 12 years, as older couples moved out, more and more young people have moved in to raise their families. Right now, we have a tremendous mix of young and old but no school. We also have a great number of adult children living at home, many of whom have their own cars and are trying to park on what were designed as single-car driveways.

"The city of Mississauga also has identified a lack of recreational facilities in our recreational planning area. As a fully developed area, the addition of extra recreational facilities will be, at the least, extremely difficult.

"My area 'does not meet the norm,' yet the NDP is going to treat it as part of an 'average'. I suggest that my city council knows best what will work in my area, not the provincial government.

"Bill 90 is flawed. It needs revision. Let's get it correct, before we compound our existing problems.

"Fran Wallace

"Mississauga."

This letter from a resident I think covers all of the concerns of Bill 90. It also points out the fact that the municipalities that have spent in this province millions of dollars in planning the cities, towns, villages and hamlets have in fact wasted all of that money over the years because now, although we have official plans and secondary plans in place as to land use, what this bill says is that it doesn't matter, that you can now, as of right, have that additional dwelling unit.

I've received letters from many of my ratepayers' associations, all citing the same concerns, some of them addressed to me, but most of them addressed to the government ministers. I have a letter here from the Tecumseth Area Residents' Association. I have one from the Talka Village Residents' Association. I also have one from the Applewood Acres Homeowners' Association. On and on it goes, the concerns from across this province. We have one here from the East Gwillimbury Heights Ratepayers' Association.

This government boasts about its consultation. The truth is they don't consult with anybody. They don't consult with the residents; they certainly don't consult with the school boards; and they not only don't consult with the municipalities, they choose to ignore them.

I have a letter here dated January 19 of this year from the Dufferin-Peel Roman Catholic Separate School Board on the subject of residential intensification. If anybody knows the problems about school accommodation in this province, it's the Dufferin-Peel Roman Catholic Separate School Board. Do you know that this school board is now graduating students who have never had a day in school that was in a standard school building? Every one of their days in school, from junior kindergarten to grade 13, has been in a portable.

The Dufferin-Peel Roman Catholic school board obviously is the second-largest separate school board in the province, second to the Metropolitan Separate School Board of Toronto, and their school accommodation is abysmal in terms of the opportunity for those children to be in anything but an overcrowded school. When they build a brand-new school, whether it's an elementary school or now they're building secondary schools, right away on the same property is the student population from another school in portables. They're not even able to use their recreational playing fields because they have portables on them. This board is concerned about residential intensification.

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It says in fact that if the city of Mississauga proceeds with the implementation of policies for residential intensification, the Dufferin-Peel Roman Catholic Separate School Board would advise that it will continue to object to any new development applications in the city. "We would strongly urge the city of Mississauga to consider the implications of continued approval of new residential development applications where there exists no permanent school accommodation for the students generated."

In that paragraph they're referring to new residential development. Obviously it goes without saying that the other forms of intensification are also of concern. In fact, I will read from this letter. This is a letter of November 10, 1992, and it's actually a letter to the mayor, but there are a number of people who are copied, including the provincial MPPs.

"But the intensification of residential uses throughout the city of Mississauga has the potential for further accommodation problems for a school system which is currently operating in an overcapacity situation. The redevelopment of lands for uses such as rooming, boarding or lodging houses, infill severances, main street residential and granny flats, may have minimal student impact on student accommodation. However, larger types of intensification, such as conversion of non-residential building sites and apartment redevelopment, will have an impact on school accommodation."

Obviously this is a school board in dire need of accommodation, and on November 25 the Dufferin-Peel Roman Catholic Separate School Board passed a resolution in response to draft legislation on apartments in houses. I won't read all of this but they do refer, in section 1 of this resolution that they passed, and the date of the resolution was November 17, 1992, to:

"The Dufferin-Peel Roman Catholic Separate School Board adopted the following motion:

"Although recognizing the need for affordable housing due to the severe overcrowding in the schools within the jurisdiction of the Dufferin-Peel Roman Catholic Separate School Board, the pending legislation regarding apartments in houses is unacceptable and will lead to greater influx of students into our schools, which will create a greater crisis in accommodation than that which is currently anticipated.

"The Dufferin-Peel Roman Catholic Separate School Board supports the motions of the city of Mississauga, the city of Brampton and the town of Caledon with respect to their responses to the draft legislation on apartments in houses."

That is a school board with a tremendous concern about apartments in houses.

Also, I have a lot of correspondence here from the region of Peel expressing its concerns about the items that are outstanding following the introduction of Bill 90. They talk about the fact that there is an issue about the consultation process. They talk about inspections. They talk about municipal revenues. The region of Peel has lengthy submissions to this government on the subject of basement apartments and granny flats, all of which have been ignored by this government.

Of course, the city of Mississauga has even more. The city of Mississauga is within the region of Peel, and the region of Peel of course has its planning responsibility, as does the city of Mississauga. The city of Mississauga has made many submissions. They have done a very comprehensive report on Bill 90, Apartments in Houses Implementation Issues, dated April 1993, a multipage report presented to city council about the concerns that the planning commissioner has about granny flats and basement apartments.

That is why the city of Mississauga passed the resolution it did. They've asked for amendments. They've asked that, "The Ministry of Municipal Affairs be requested to amend Bill 90 and the associated regulations to include some of the following."

Accordingly, most of the affairs of concern have not been addressed by any amendments to Bill 90, because that didn't take place. There could have been an opportunity to have those concerns addressed, and they weren't addressed, when Bill 120 was introduced. The government just chooses to ignore everybody who has a concern on this matter.

The other thing is that we hear all the time, and certainly the member for Etobicoke West speaks very well, about Metro Toronto council's concern about basement apartments. I've heard the Minister of Housing talk about: "There's no problem in Toronto with parking. We have lots of these apartments today. They're illegal and they're now going to be legal." People are going to be able to come out from their underground homes and ask for protection under the Landlord and Tenant Act whereas before they feared eviction.

The fact is that Metro council is also concerned about some of the areas that we are. One of the changes they are concerned about is the ability to license basement apartments and restrict them to owner-occupied homes. I

said that a few minutes ago. It's very important that if they're going to permit basement apartments, they have to be owner-occupied homes. All those areas have been addressed by the municipality of Metropolitan Toronto.

Obviously, as I said earlier, this is not just a concern of municipalities in the greater Toronto area, in case we think it is only limited. I've got correspondence here that might possibly be even in the Minister of Housing's own riding, as a matter of fact. I don't know whether her riding covers the Nepean city council.

Hon Ms Gigantes: No, it doesn't.

Mrs Marland: Oh, it must be somebody's riding that's in the Nepean city council's jurisdiction, but obviously the government chooses to ignore them as well.

How about the corporation of the city of Oshawa? Is that in a government riding? I think so. I know we don't have a member from Oshawa. Markham. How about the village of Lakefield? I'm sure the member for Peterborough must be concerned about what the village of Lakefield has been saying about Bill 90, but obviously that's not being addressed either. Anyway, on and on it goes.

The fact is that the government is not listening. They haven't listened on anything anyway, so why would they listen to the province on this issue? They don't listen to their own union friends on the issue of the social contract, which has a very far-reaching, devastating impact on the lives of thousands of people in this province. I guess it would be too much to dream in technicolour, to think they might listen to the concerns about basement apartments.

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The concerns have been well referred to in previous comments by a large number of people. I think, while we look at what the impact of this bill will have on the people of this province, we would not, I believe, be able to imagine what's going to happen.

You see, the very thing this government thinks it's doing is providing accommodation for people by legalizing basement apartments. But the thing they haven't anticipated is that when all the people who are today in illegal basement apartments—since until this legislation goes forward basement apartments are illegal; you can't have two dwelling units in one single-family home—as soon as this happens, all those occupants of the existing illegal apartments are going to be able to ask for inspections of their accommodations. They're going to be able to go to the municipality and ask the fire department to check it out and ask the health department to check it out, plumbing and so forth.

Now, in terms of the fire department, we support the fact that people who live in accommodation must be protected. But single-family homes were never designed to accommodate people to live in the basement. We're going to have all these inspections and the fire department is going to go to home owner A and say: "There is no safe point of exiting from this basement apartment. You have to create, in order to meet the fire code requirements, a new exit." That exit may require digging down to the basement and building another doorway and outside steps. In some circumstances, it may require a

window modification. It may even—I have discussed this with the fire department—require sprinkling. Can you imagine the cost of sprinkling a basement apartment in terms of fire protection?

The point is that landlords, property owners who cannot afford to make those renovations to that living accommodation in their house will have no choice but to give notice to their tenants. Instead of creating more accommodation by legalizing basement apartments, I think what we will find is that this is not going to be the solution, because the property owners are simply going to say: "I cannot afford to retrofit my basement apartment for \$300 a month. Where am I going to get the money from to make those renovations?" Bear in mind that the money is half now, because they're under the Rent Control Act.

It's wonderful, isn't it? It's a real argument about something they hope to achieve which is going to absolutely fall flat on its face. All these people they think they're going to protect, who have been in illegal apartments, are now going to risk losing the only accommodation they had because this government stuck its nose in the business of the private property owners in this province.

In fact, the private property owners of this province who made an investment to buy their homes—and for most people, the purchase of their home is the single biggest investment of their lives—this government doesn't respect that. This government doesn't care about property owners or property rights in this province. All they care about is pretending to do something for people which, in the end, will not be doing anything for anyone except causing a lot of distress, hardship and unhappiness.

This bill should not be passed. We are very concerned about the fact that the bill, as it is presented in 120, is an absolute sham about basement apartments and the regulation of retirement and rest homes. We are opposed.

Mr Stephen Owens (Scarborough Centre): I've sat and listened quite carefully, over approximately the last hour and a half, to the member's comments with respect to Bill 120. There are a number of things the member fails to address in her particular comments. During the time that she was speaking I did ask the member if she knew where Parkdale was, whether in fact she understood why we would have to pass legislation like Bill 120 with respect to boarding homes.

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): What did she say?

Mr Owens: "What did she say?" people have asked. She doesn't know where Parkdale is. I thought that she would give herself and her Conservative colleagues credit for the closing down of Lakeshore Psychiatric Hospital, which in fact created the necessity for Parkdale and created the problems that we are faced with today in terms of unregulated boarding homes.

I asked the member during her remarks whether or not she had read the book by Pat Capponi entitled *Upstairs in the Crazy House*. It catalogues the numbers of abuses,

both physically and psychologically inflicted, by residents and by particular landlords in these unregulated boarding homes.

The member for Mississauga South talks about the problems that landlords have in terms of getting tenants out, whether it's basement apartments or the unregulated boarding homes. What about the tenants? In the last three-plus years, Mr Speaker, in the city of Scarborough, as you're well aware, we've had at least three people die in fires in basement apartments. It's time to get these basement apartments regulated. It's time to bring in a set of standards that can be enforced. It's time to give people the protection of the Landlord and Tenant Act that the member so aggressively critiques. She knows.

Her party talks about cut, cut, cut. My question to the member is, where do you put the 10,000 units that currently exist in Scarborough?

Mr Allan K. McLean (Simcoe East): I just wanted to take a couple of minutes to comment on the remarks made by the member for Mississauga South. I'll not be speaking on this bill, so I thought I'd take just a couple of minutes to put a few questions on the record.

The problem with this bill, as I see it, is that the member talks about the school situation. I'm not so sure the minister is fully aware of some of the problems that could be involved with regard to schools, especially in small-town Ontario.

When the minister was speaking in her opening remarks with regard to the 100,000 illegal apartments—she says there's 10,000 in Hamilton—there certainly is cause for concern. But when I look at the Sewell commission report, I don't recall seeing anything in that report that made any recommendations with regard to basement apartments and how they should be legalized.

The other aspect of the bill, and the problem we have, is the fact that AMO is against this legislation. Any municipal council that I have talked to to date has been opposed to it. When we look at the municipal councils and the zoning rights that have been taken away, which the member speaks about, I think we have to say, "What standards are there going to be?" What standard is there going to be that says we have to bring this basement apartment that's there now illegally up to a certain standard? Is this going to be a bylaw that's going to have to be passed by the municipality? Is the ministry going to dictate what's going to have to happen with regard to that?

The other problem that we have is, whose building code is it going to be? Is it going to be the provincial building code or is it going to be the municipal building code?

Mr Stockwell: The provincial building code.

Mr McLean: The provincial building code. Well, it's going to be interesting to see how that happens.

Hon Ms Gigantes: Just a few quick points: On the questions that the member for Mississauga South raised about care homes and the proposals in Bill 120, she suggested that there's grave inadequacy in addressing many of the issues raised by Dr Lightman. I point out to her that Dr Lightman is very approving of this legislation

because he sees it in the context in which this government is bringing forward a whole system of advocacy for people who are in vulnerable situations. The framework for long-term care services is going to be available for the first time at the community level right across this province.

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She talks about legalizing apartments in houses. We're not talking about legalizing apartments in houses. We're talking about a situation in which it will be legal to apply for a building permit to build an apartment in a house. An existing apartment in a house will have to be brought to standard before it is legal.

She also talks about apartments in houses as if they're always basements and the people in them somehow are low-life dwellers. She talks about the florid image of people coming up from the underground to discover the horrible truth: number one, that the owners are not going to be able to afford to renovate apartments and bring them up to standards and therefore the tenants will be evicted; or number two, on the contrary, that there are going to be so many apartments which meet standards that we're going to have slums across this province. She better make up her mind whether we're creating slums and overcrowding and impossible living conditions in our municipalities or whether all the existing basement apartments are going to be impossible for owners to renovate and all the tenants are going to be kicked out on the street. We need to know which it is.

The Acting Speaker (Ms Margaret H. Harrington): Further questions and/or comments? We have room for one more speaker.

Mr Murray J. Elston (Bruce): I was listening intently to the early part of the speech and had to go out just briefly. But it was interesting for me to listen to the remarks of the member for Mississauga South because she very carefully chose her words around several of the major issues with respect to what are called care homes. My concern is that perhaps there would be some people who would think that she wholeheartedly adopted all of the recommendations made by the association which is representing those people who now are known as landlords of care homes under the auspices of this bill.

I think it's extremely important, so that there be no misunderstanding, that of all of the material that she read on to the record, the member for Mississauga South very clearly underlines for the public which of those sections they actually do support and which ones they don't support. I will tell you, I don't like to have members in this place reading out entire manuscripts from advocacy groups—from whatever advocacy group—and then prefacing this reading by saying, "Some of this stuff is okay, but some of it's not okay," without identifying as the reading takes place that "This paragraph we support; that paragraph we don't support."

I want the public to be informed about what the Conservative Party under Michael Harris actually stands for. None of this doublespeak. I think they're adopting it from the current administration. The member for Mississauga South has got to identify exactly where Michael Harris stands on these issues, not to leave any

mistaken impression that they've adopted holus-bolus everything that that advocacy group has provided for her to read on the record.

Do you know why? Because I suspect she will be sending out the Hansard—

The Acting Speaker: The member's time has expired.

Mr Elston: —to indicate that she has put it on the record for them.

The Acting Speaker: Thank you. Would the member take his seat.

Mr Elston: I think it's important she clarify the record.

The Acting Speaker: The member for Mississauga South has two minutes to respond.

Mrs Marland: I certainly appreciate the fact that so many of the government members stayed in the House tonight to listen to my comments, and I certainly hope they will pay attention to the concerns that I have put on the record on behalf of residents and municipalities around this province.

Interjections.

The Acting Speaker: Order, please. I'd like to hear the member.

Mrs Marland: In thanking them for their attendance, maybe I can have some optimism that there may be some amendments forthcoming to Bill 120 that will address once and for ever the fact that these basement apartments that we're talking about are in private homes; they're not in publicly owned buildings.

It will be encouraging if once and for all this government gets it through their heads that not everybody, not even a very small minority of the people in this province, want the government to run and own everything. The last thing they want the government to run is their own private homes. They want the choice to do whatever they wish with their own private homes without this government's interference.

I take with great interest the comment of the Liberal House leader, because I would simply like to tell him I don't need the Liberals to speak for me. Mike Harris certainly doesn't need them to speak for him. We are quite capable of communicating to the people of this province on our own policies and our own goals and, above all, our own visions for this province and the future of this province, in this particular instance in the accommodation of people who live here, and we hope that our vision will have the opportunity to give people more to hope for in this province than basement apartments.

The Acting Speaker: Further debate?

Mr Mammoliti: I understand there's some sort of agreement and at 9 o'clock we are to get into something else. For that reason, I'd move adjournment of the debate.

The Acting Speaker: The member for Yorkview has moved adjournment of this debate. Is it the pleasure of the House that the motion carry? Carried.

CONCURRENCE IN SUPPLY

Miss Martel moved concurrence in supply for the following ministries and offices:

Ministry of Agriculture and Food
Ministry of Housing
Ministry of Health
Ministry of Labour
Office Responsible for Women's Issues
Office of Francophone Affairs
Ministry of Education and Training
Ministry of Economic Development and Trade
Ministry of Community and Social Services
Ministry of Natural Resources
Ministry of Northern Development and Mines
Ministry of Culture, Tourism and Recreation

Hon Floyd Laughren (Deputy Premier and Minister of Finance): I shall be very brief as we engage in this debate on concurrence in supply of the various ministries. I suspect that all fairminded members would agree that each of the ministers responsible for the ministries on this list has had a very difficult year in which to manage those ministries, not by themselves, but with the very fine staffs that help them manage those various ministries and all the very difficult issues which they must face. For me, it has been a very rewarding experience to see how each of the ministers and the people in those ministries were able to deliver the essential services those ministries are responsible for delivering in the fairest way possible, given the very difficult circumstances. For those reasons, I'm sure the members of the assembly would want to join with me in giving their support for these various concurrences.

The Acting Speaker (Ms Margaret H. Harrington): Further debate? We will go in rotation.

Mr John C. Cleary (Cornwall): It is with pleasure that I take this opportunity to address some of the issues that face the Ministry of Agriculture and Food. Frankly, not all is well on the farm, so to speak. Farmers often tell me that they don't feel they're getting their concerns through to the minister. I'd like to talk a little bit about dairy inspectors, for instance.

I frequently hear from dairy farmers on an issue that affects every resident in this province. I refer of course to the minister's decision last April to eliminate on-farm dairy inspection. Farmers were upset that the minister made the decision without undertaking any consultation with the people directly involved in the industry. Many did not know how many dairy inspectors were eliminated, or what service, if any, would remain available to them. As a result, I sent many letters to the minister and I raised this issue both inside and outside the Legislature.

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In response, the minister assured me that the quality would not be affected, but he was very vague about which services would be available and he was certainly not capable of stating how many dairy inspectors were left.

We in eastern Ontario can confirm at least one individual whose job was terminated by the Minister of Agriculture and Food. Indeed, I attended the retirement party for Bruce Rutledge, who served the ministry so well for

some 30 years. While all present were pleased to offer their best wishes to him, this man should not have been forced out on early retirement. Many said that night that they would much sooner have seen the retirement party some 10 years later.

However, despite my repeated questions, the minister was not available to provide information on the exact number and location of the remaining inspectors; that is, until seven months had elapsed. For seven months I have wanted to know and all the farmers across this province have wanted to know how many dairy inspectors would be left in the Ministry of Agriculture and Food. I hope the minister is hearing some of the same stories that I hear.

Just last week, I finally received a letter from the minister which stated that he had slashed the number of dairy inspectors from 30 to 11, but I must wonder if even those figures are correct. Farmers who contacted me to express concerns over the reduction of inspectors told me that prior to the minister's announcement, there were 35 inspectors in Ontario. For seven months dairy inspectors have waited for this information, and for seven months farmers wanted to know how the reduction was going to affect them. In the same letter that I received last week, the minister attempted to explain this by responding, and I quote:

"An article has appeared in the September issue of the Ontario Milk Producer magazine, which is received by every dairy farmer in this province. Furthermore, a list of the remaining field staff, their address, contact numbers and the regions over which they have responsibility appears in the October issue. In addition, a direct mailing will be received by every licensed milk producer in Ontario."

Does the minister truly believe this to be an acceptable action plan? He made the announcement in April, waited six months to publish a few details in a magazine and then waited another month to dribble in a few more details. Then eventually, after a seven-month lapse, he contacted the farmers directly.

Even with the belated information campaign, dairy farmers continue to tell me that they are not satisfied with the way the issue was handled, nor the results. I hope the minister is aware of the confusion and the distrust he has created in the dairy industry.

To continue on the dairy industry, I would also like to raise the matter of BST. BST is a substance that can increase milk production by as much as 20%. While BST occurs naturally in cows, there have been discussions about injecting cows with artificially produced BST. Obviously, industry leaders are worried that the sales of milk and dairy products will decline because consumers are frightened about the new technology, and farmers are concerned about the long-term effects it may have on their cattle. Additionally, dairy farmers have expressed concerns that while the ministry is slashing something as basic and as needed as dairy inspectors on the farms, this same ministry may be spending a lot of money on studying this experimental and controversial drug.

Appreciating these concerns, I contacted the Minister of Agriculture and Food and asked him what his plans

were for the BST and if his ministry was pursuing research on its use. In a letter dated November 17 the minister responded again, and I quote: "At present, BST is not licensed for use in Canada or the United States. The ministry is not at present undertaking, nor has it allotted any funding for, BST-related research."

Again, this letter was dated November 17, 1993. Meanwhile, however, the Farm and Country November 16 issue notes that BST was approved for use in the United States in early November and it would actually be available in February.

As well, the Kitchener-Waterloo Record has revealed that cows at the University of Guelph research station were part of a BST trial and that the milk was put into the provincial milk supply system.

I would like to take this opportunity to tell the minister that many farmers in eastern Ontario are gravely concerned about the implications for their cows and the milk they produce should BST get approved here.

I'd like to talk a little bit about deer farming. Of course, there's also the matter of the Minister of Natural Resources' Bill 62, which may stunt certain aspects of agriculture. The last time this bill was cited, which was some time ago, I believe it extended regulatory powers to include all animals in Ontario including domestic animals and livestock. Specifically, this bill allows the Natural Resources minister to identify any species as undesirable, and this allows him to eliminate commercial farming of this species.

If that's the case, then the Ministry of Natural Resources could arbitrarily decide that dairy cattle are undesirable and therefore may not be farmed in Ontario any more. While this does seem like an extreme example, I would still be concerned over the bill's potential impact on agriculture.

Meanwhile, however, the Agriculture ministry is supposedly working on something called the livestock diversification act, which will be more permissive towards deer farming.

On several occasions, and on behalf of the Ontario Deer Farmers Association, I have formally requested a meeting with the Minister of Agriculture and Food to discuss his plans for deer farming. In fact, I sent him a letter as recently as September 29, which followed an earlier request of June 9, to secure a meeting.

Unfortunately, it would appear that the minister had not a single half-hour to sit down and review his intentions for Ontario deer farms. I certainly hope this is not reflecting on his commitment to deer farming and I hope that we may see more of this livestock diversification act.

Another thing that I'd like to touch on is the ethanol production in Ontario. Of course, another issue of long-standing contention has been the development stage of an ethanol industry. Farmers are anxious to have this alternative fuel available across this province. Ethanol has been proven to be environmentally friendly. It conserves non-renewable resources and it creates stable markets for farmers in this time of uncertainty.

Farmers have been seeking a strong commitment from the minister to ensure a viable industry. This means

assistance in feasibility studies, constructing production plans, job creation and a guarantee to maintain the tax exemption that makes ethanol production viable to produce and sell.

I have a certain energetic and dedicated group in our part of Ontario which has formed the Seaway Valley Farmers Energy Co-operative. They have put a lot of time and energy and many of their hard-earned dollars into the development of an ethanol production plant in eastern Ontario. Thus far, while they have the desire and the technology to make this plant succeed, they continue to face financial stumbling-blocks.

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I know they are not alone. Other ethanol cooperatives across this province are experiencing similar problems. Each likely requires additional support from the ministry. I hope the minister will work very closely with the Seaway Valley farmers and others, that these plants can become reality in the very near future. This includes one of the issues central to the Seaway Valley farmers securing financing, the tax exemption which I previously referred to.

While the current Minister of Agriculture and Food sits across the way from me and may not be in a position to provide the long-term commitment that the Seaway Valley farmers are seeking, I hope he will work very closely with them to secure an ethanol industry.

On the stable funding, which has been contentious for many years, there is unnecessary red tape in making all farmers send a cheque to the organization he or she may support and then have to apply for the refund of the same cheque; the cost of establishing a new bureaucracy to implement the legislation at a time when the ministry is cutting other programs and services such as dairy inspectors; the legality of excluding farmers from other ministry programs for not paying the \$150 fee; the intrusion that the bill inflicts on certain communities, such as Mennonites.

I believe in stable funding and I always have, but I have expressions of concern over the particular piece of legislation as well as the badly flawed parent Bill 42. It is my understanding that the registration process for this legislation has already started and that the accompanying news release states:

"Individuals who object on religious grounds to providing a cheque to an accredited organization and/or registering their farm operation with the ministry may apply to the Farm Organization Accreditation Tribunal for an exemption order."

From this account it would seem that the Ministry of Agriculture and Food has not truly taken the Mennonite principles into consideration. To this end, I might quote from a letter I received from a Mennonite bishop. It reads as follows:

"Registration under Bill 42 is a violation of our beliefs. The tribunal idea does not meet the needs of Mennonite and Amish people. The simplest solution is to drop Bill 42 and leave the whole issue with the GFOs."

After 20 years in the making, I hope this is not a reflection of the concerns that will arise and that a

solution may be found for the farmers, including the Mennonites.

The labour legislation: The ministry will be aware of the immense dissatisfaction surrounding the agriculture labour bill, which allows agriculture workers the right to organize while failing to protect farms from strikes.

Prior to the legislation being introduced, the Labour minister made promises that there would be provisions for protection. He has failed on that promise and the much-needed provisions are not there.

Surely the Labour minister as well as the Agriculture minister, who must have participated in producing this legislation, are both aware that the agriculture industry is time- and seasonal-conscious.

Producing corn is not like producing a piece of machinery. Corn cannot wait around unattended while a labour dispute is being settled. The legislation requires massive amendments or even a total rewrite to reflect a better reality of farming.

In the Ministry of Tourism: We've been getting the runaround in eastern Ontario from this minister and former ministers over the closed parks in the St Lawrence Parks Commission, namely, the two parks Charlottenburgh park and Raisin River park. We've been getting the runaround. One blames the minister, the ministry, the St Lawrence Parks Commission.

Just last week, I had a petition from the united counties council of S-D-G, which is made up of 20 municipalities, signed by 20 reeves in those municipalities, to try to get this settled. I had thought at one time we were getting close to an agreement to get private enterprise involved when the then minister Peter North was in charge. This has been going on for three years. We have private enterprise wanting to spend their dollars to open these parks, but we just get the runaround. Our students need summer jobs.

Interjections.

Mr Cleary: Just listen. We have the support of the municipal councils that are wanting to get these parks opened. They have the money to spend on these parks.

Just last year in the past tourist season, we had to put our OPP directing traffic to turn people around and send them back home to try to use the parks that were still open in the area.

I would hope that the minister would finally set up that meeting and get this problem solved, because it's been going on now for three years and people are pretty discouraged.

I have to talk a little bit about the smuggling issue in our part of eastern Ontario. I know that we encouraged the minister for many months to try to come to eastern Ontario; the Solicitor General never came to the source where the problem was, but he did have the meeting in Ottawa. We had all the players in the one room. I do think things have improved a bit since, but it's still not well. This same minister also promised that the next meeting would be in Cornwall. That's many months ago, and we have not heard any further about that.

Anyway, we're still waiting for the minister and the

new federal minister to come to Cornwall—

Hon David Christopherson (Solicitor General and Minister of Correctional Services): Get your story straight.

Mr Cleary: I've got my story straight, but it took a long time to get it through to you.

The Acting Speaker: The member for Cornwall has the floor. Order.

Mr Cleary: Anyway, I'm still looking forward to that meeting, because all is not well on the smuggling issue. Maybe this province doesn't need the money, but I'm sure the federal government will and others sure need it too. I think it's something that's got to be solved, and I hope we get the cooperation of all governments.

Mr Bill Murdoch (Grey-Owen Sound): What I thought I would do tonight is take a short time and speak a little bit about each of the ministries that are involved in the concurrences. The first one on there is Agriculture and Food. I want to congratulate the member for Cornwall on his fine speech in bringing out many of the problems that we have with the Agriculture and Food ministry.

The stable funding was one of the good things they brought through, but they even messed it up the first time they brought it through, and they almost passed it. They didn't even know what they were bringing in the first time, which makes me wonder who is running that ministry, whether it's the minister or the bureaucrats, because the first bill they brought in was terribly flawed. Hopefully, the one that they brought and the one that all three parties supported will do a fine job.

But that's not enough. More things have to be done in the agriculture and food industry. That's the problem. There hasn't been anything else done.

Right now, we have the cream producers getting the shaft from a tribunal appointed by the Minister of Agriculture and Food. The cream producers had an agreement that they would get 100% of their milk quota if they sold off in the next year, or if they transferred to a milk quota, and that tribunal that was appointed by the minister has decided now they'll only get 85% after only three months that the year agreement had been in force. Someone got out with 100% now, and there were some of the quota on the market this Tuesday that today some of them have lost and they're down to 85%.

This is a tribunal that was appointed by the Minister of Agriculture and Food, and hopefully he'll overrule this tribunal and get back the fair deal that the cream producers got, because they want them to get out and they gave them a year and the incentive was that they would get 100% of their milk quota. I'm afraid that this tribunal—again that was just appointed; they're not elected people—has decided to do this.

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There are lots of problems in the agriculture industry, and the problem is, I think, that they're hanging their hat on stable funding to solve these. Well, it won't. It will certainly help and it was something that was needed, but we need more—

Interjections.

The Acting Speaker: Could members keep their conversations down.

Mr Murdoch: We need more things done in Agriculture and Food. I see the member over there is starting to talk out of place again, as he usually does, but we'll try to ignore him and carry on.

The second one is Housing. This has been a disastrous ministry since this government first took over. The first bill they introduced in the House was disastrous. That was the rent control and under the rent control it put many people out of business. Their idea was, "Well, we'll take over the businesses," and that's a socialist move and I understand that, but ever since their first bill was introduced in the House they've had nothing but trouble, and look where they are today.

They've got the bill that we debated before this came up, a bill that is probably one of the worst bills that this government has brought in. Now they're going to overrule any zoning or anything that the municipalities have done. They're going to say, "Now we're going to bring our heavy fist down and we're going to allow apartments wherever they want." It doesn't matter whether they have fire protection, it doesn't matter whether there's lots of parking or anything.

They've gone from a real disastrous bill on the rent control to one now that's going to legalize apartments in houses with no consultation. They're just going to ram this bill through again, like they've been doing all along. So in Housing, as the Minister of Finance has spoken about—he said they've had a difficult time, no doubt, but unfortunately they haven't learned how to handle it.

Then we come to the Health ministry. Boy, have we ever got a lovely one here. We have a Health minister who was the Minister of the Environment; pretty well ruined the Ministry of the Environment and any credibility it had with any of the municipalities or any of the people around. So what does this government do? They take that minister and put her in charge of our Health ministry. That was a disaster.

As Hazel McCallion, the mayor of Mississauga, said—

Mr Kimble Sutherland (Oxford): Good old Hazel.

Mr Murdoch: Hazel spoke at the Good Roads convention and when Hazel announced at the Good Roads convention—

Mr Sutherland: I know Hazel. Hazel will mend the province.

The Acting Speaker: Members, one member at a time. I am now listening to the member for Grey-Owen Sound. You will have a chance later.

Mr Murdoch: Maybe the member for Oxford would like to speak later, and we'll give him a chance.

Anyway, the mayor of Mississauga stated at the Good Roads convention how the Minister of the Environment had been transferred away from that and she got an outstanding ovation; the whole floor, everybody stood up and clapped for that. But then she pointed out, "But now I'm worried about my health," and she was right when she said that. She certainly had reason to be worried about her health when we get a minister appointed who

had been in Environment and made a mess of that.

Just to show you, what have we done with our ambulances? Where has the Swimmer report gone? We haven't heard about it at all in here. They've just left the ambulance service out there to fend for itself, and I can tell you, there are a lot of horror stories out there where people aren't being picked up because they can't get ambulances. This is up to the Minister of Health.

Also we have Bill 50 now, under which people aren't going to be able to get proper medication. The doctors don't like this. This minister has made a mockery of our Health. Our health system used to be one of the best and now we're coming down to Third World status.

Along with our Bill 48, which affects all of the ministries, now our hospitals are starting to close beds. We have a brand-new regional hospital in our area and now we've got one floor practically closed and they're going to close another floor in the spring, all due to the fact that we have a minister who is out of control and we've just got to wonder what ministry they'll put her into next that she'll take over and ruin.

Mr Chris Stockwell (Etobicoke West): Solicitor General.

Mr Murdoch: Yes, that would be a good one. Somebody said put her in the Solicitor General, but we wouldn't want that to happen. That would be fun.

The next ministry I wanted to talk about is Labour. Boy, did they like to have fun there. They passed Bill 40, which, as you know, when this government takes over in 1995 will be the first bill that we rescind and get it out of there. They just totally made a farce of this area in Labour, and we have to get rid of that bill and that will be one of the first things that this government will do.

We also have WCB out of control. It's something that should be probably closed down and got rid of. It's just putting us into the hole more and more every day. They have no control there. The chairman of the WCB is out of control, and I'll tell you, my office has more problems with that than anything else that we have to deal with. So WCB, if they won't overhaul it and won't do something about it, then they're going to have to get rid of it. They haven't any other choice. We can't afford it; that's all there is to it.

Interjection.

Mr Murdoch: Now one other bill—and the member for Oxford said, "Say something good about somebody."

Mr Rosario Marchese (Fort York): He didn't say anything.

Mr Murdoch: We'll mention that Bill 80—and I will congratulate the minister on Bill 80. I do agree with him on that bill, although I have concerns that a government like this would bring in a bill like Bill 80. They are giving more local autonomy to the local unions, which is a good idea, but they're acting like the internationals.

So here, on one hand, they're saying, "The internationals aren't doing their job properly so we're going to give local autonomy to the local unions," but on the other hand, they act like the internationals when it comes to municipalities. They said, "Oh no, you're not good

enough to look after your own affairs." So it is ironic that this government would bring a bill in like that, even though I can support it. So, again, the Labour ministry is in trouble, there's no doubt.

Economic Development and Trade ministry: What can you say? They haven't done anything so it's pretty hard to cut them up, other than they've closed our office in Owen Sound. I guess you can give them credit for that, they're trying to save some money, but it happens to be now we don't have one in the northern area of Ontario. They just closed our office down. I guess if you want to—you can't really give them credit for that, but that's what they've done. It's unfortunate, but that's about all you can say about them because they haven't done anything else.

Education and Training: I don't think we have long enough tonight to talk about that. We have Minister Cooke in charge now and we have strikes all over. So what can you say about him?

It is interesting that this is a socialist government and it has put forth bills that order labour people back to work, or labourers or teachers and people like that back to work. That is something that we never thought we'd ever see. If that was ever done by anyone from the opposition, they still would be yelling and hollering. So this is something now that we have. We have strikes all over Ontario in different parts, and our Education minister doesn't seem to have control of it.

Something else that we have asked, and we've asked right from the very start, is the breakfast program, if they would do something about that. We have it in our area in Owen Sound and over in Thornbury and some of the other areas in Grey county, but again the Minister of Education decides to do nothing about that. They just let it go on and on. They have not got the expertise to do that.

Madam Speaker, you may lose the mace, and then I don't know what we'll do now. I can see the good member for St Catharines would like to run off with that and down to the hockey game, I'm sure. Maybe he also is trying to tell me that he wants to wrap up tonight, but I have a couple more left.

Community and Social Services: Isn't that a great one? They've come up with the new idea of parental contributions. That is a good one: No more user fees, but we're going to have parental contributions. To most people who are vulnerable in our society, this government, which always proclaimed to help those types of people, now says that they're going to have to pay or, "Sorry, folks, no program."

Instead of calling it user fees, which is what it is, they call it parental contributions. They come up with all these new names, and I think they've changed the vocabulary in here, but it still doesn't help the people out there who need the help. That has been a shame on that government and a shame on that ministry.

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Next we come to Natural Resources. I have to say, when the previous minister, Mr Wildman, was in charge, things did move along a little better. But now we have

the minister there who really, I think, is probably having a sleep for the last year. He comes into this House and lets on that he's doing a lot of work, but I'm afraid he's lost control of his ministry like he did when he was the Attorney General. Now nothing is happening there.

We have had no policy come out on ANSIs, which they promised. The wetlands policies—nothing's happened there. This government paid tons of money to send this guy named Sewell around the country to find out what was going on. Obviously, he's still lost out there somewhere in an ANSI or in a wetland or in a woodlot somewhere and has totally disappeared on us.

Then the minister or his staff—and I don't believe the minister's figured it out yet—has come up with the idea: "We have to save money, so let's get the conservation authorities. We don't like those guys anyway because they have some local autonomy. We wouldn't want them making decisions, so let's get those people."

Something that has been promised for years and years and years by the governments that were here before, that the land taxes would be paid on conservation areas, they've just decided not to pay them. The minister says: "Well, I didn't know they were going to do that. Who's doing this?" So he sort of woke up for a little while and found out what is really going on.

In this House, a motion was put forward by me for that money to be paid back to them. It was voted on in here, voted on by all three parties and passed, yet the minister does not listen to a democratic vote that was made in this House. So he obviously is sound asleep somewhere in one of the offices here and hasn't woken up to the fact that there are some problems out there and that conservation authorities are going to lose some land if the taxes aren't paid. Local municipalities need those taxes. Again, the Minister of Natural Resources continues to do nothing about it.

Also, our conservation officers have been cut way back. They talk about preserving our wildlife and preserving the wetlands and things like that. Our conservation officers have been cut back and back and back till actually they have hardly anything to work with out there. Again, the Minister of Natural Resources has no idea what's happening.

Something else we've been asking for years—and they do have a program, the rabid fox bait program. We've asked them to help us out on that. We have clubs that are prepared to drop the bait and help them out—again, no answer. Somewhere along the line the Minister of Natural Resources has to wake up in whatever office he's in and get on his job and do some of these things.

The last one is Northern Development and Mines. All they can come up with over there is to give skidoo trails some money—skidoo clubs to make some trails. That's all they can come up with. Again, it's hard to criticize in that area when they haven't done anything. Nothing's been done over there to help out our northern development. Our roads are not fixed up there.

This government continues to do nothing in a lot of the areas. The areas they start to do something, they make such a mess of it that it's not worth repeating. Ending up,

this is the first time in the history of this province that the Provincial Auditor would not give his unqualified approval of the government financial statements. That shows what kind of a financial mess this government's in. I can't support this and I hope this government does wake up before they ruin what's left of Ontario.

Mr James J. Bradley (St Catharines): I'm pleased to have the opportunity to join in the debate on concurrences because there's considerable flexibility. One is able to talk about a number of different issues, many of them of local import, but some with province-wide ramifications.

I do want to say, first of all, that with the various ministries we have before us, there are a number of deficiencies which must be addressed. This is the forum in which we may do it. I want to look first of all at Niagara College in St Catharines and in Welland.

Niagara College has provided an excellent education for a large number of people not only in the Niagara Peninsula but across Ontario for a number of years. Unfortunately, they've had to do so in less than satisfactory circumstances; that is, the buildings and the facilities which exist are not conducive to providing the best possible education.

I heard Captain Infrastructure say the other day—Captain Infrastructure is the Premier of this province; he's known some places, in his office, as Captain Infrastructure. This is the person who of course removed \$300 million from the budget of the government of Ontario for the purposes of capital expenditures. The Premier has ordered this to happen at the same time as extolling the virtues of capital expenditures on the part of all levels of government.

Well, I've got a good suggestion for the Premier, and that is that Niagara College, which has its proposal for redevelopment and expansion and new facilities before the Ontario government, if the government sees that this is a wise way to spend its money, then I think a good investment would be, in terms of a capital investment, an investment in Niagara College so that they can proceed with the new campus, so that they can upgrade the campus in Welland and replace some of the—well, they're not even antiques; they're decrepit old buildings which exist at the present time. I know that the president, John Saso, and others at the university are eager to proceed with the development of the new campus so that they can serve the needs not only of those who are coming out of the high schools but people who are going back into education for the purposes of retraining, for the purposes of being able to get the kind of jobs that are out there today.

Second, we have another post-secondary building or facility which addresses the educational needs in the Niagara Peninsula, and that is Brock University. The president of Brock University, Terry White, has been eager, again, to see the appropriate funding for Brock University in order that this educational institution can meet the needs of the students. Brock has been very popular over the years, attracting a very large number of applicants, and has been pleased to accept a large number of those applicants into an institution of higher learning.

Unfortunately for the students around this province, there are only so many spaces available. I'm sure that Brock University would like to have both the capital funds but now particularly operating funds to be able to provide the kind of education they believe would be useful to the students from the province of Ontario and from other jurisdictions.

In Lincoln county, the Lincoln County Roman Catholic Separate School Board and the Lincoln County Board of Education are both eager to obtain funding for various of those projects; one that comes to mind is Governor Simcoe Secondary School. We had a situation where Grantham High School, which I used to attend at one time, was transferred from the Lincoln County Board of Education to the Lincoln County Roman Catholic Separate School Board.

Mr Sean G. Conway (Renfrew North): No. You allowed that? You stood by and let that happen?

Mr Bradley: The condition under which this happened was that you had two boards of education under great pressure which sat down and were able to come to an agreement.

Mr Conway: With or without your support?

Mr Bradley: The member for Renfrew North would recall that all around the province we had circumstances where boards were fighting, where the facilities were not easily transferred, where there was a conflict, where the government had to order facilities transferred from one board to another. So the Lincoln County Board of Education, even though it had great pressure from the parents of the students and the community known as Grantham not to transfer that school or indeed any other school to the Lincoln County Roman Catholic Separate School Board, proceeded in good-faith negotiations and there was a transfer effected of Grantham High School, which is now known as Holy Cross Secondary School.

I think that when people are able to come to an agreement under difficult circumstances, when people in good faith, working very hard on both boards are able to come up with an agreement for the transfer of a school to another school board, there should be adequate compensation. That's where the second shoe drops. Lakeport Secondary School was to have funding for its expansion and for its rejuvenation and renovations, and indeed, after many months, that has come through. Governor Simcoe Secondary School, in addition to that, had to accommodate new students as a result of the transfer and was promised that it would have appropriate facilities. The Lincoln County Board of Education has been in discussion with the Ministry of Education for the funding of those facilities.

2150

I call upon the Minister of Education, as I know my colleagues in Lincoln county do, those who represent us at the provincial level, to provide the appropriate funding for Governor Simcoe Secondary School and the facilities that are to be added in that educational institution under a formula which the Lincoln County Board of Education believes to be fair. I hope, because we've had some good people in the Ministry of Education involved in those

negotiations—there have been people who've been extremely helpful; I think of Wayne Cross, for instance, who in our part of the province is well received and well respected by all boards of education in regional Niagara—that there can be the appropriate funding provided to the Lincoln County Board of Education to compensate for that transfer.

You will know, Madam Speaker, as you are from the Niagara Peninsula, that we experience very high unemployment. We are either the highest or the second-highest, it seems to me, over the last few months in the whole country in urban centres in terms of unemployment. What a lot of people don't recognize as well is that we have not seen the full loss of jobs yet and we still have high unemployment. For instance, in Niagara Falls we have the Ford plant closing, which will be a substantial loss and is a substantial loss to the people of Niagara Falls. In St Catharines, the foundry at General Motors is scheduled to close and is in the process of having that closing taking place. There have been other job losses at General Motors as well.

But the full impact of those job losses has not been felt to this point in time. For this reason, I believe that we need the additional help of any programs that the government of Ontario has available to assist the Niagara Peninsula. But we also have a Labour office there which is, because of the circumstances facing us, understaffed, and so people have to wait several months before they are able to receive appropriate action from the Ministry of Labour. The employees there are working very hard to service those needs, but we need additional staff and space if we're to serve those needs as they increase in the future.

I know, for instance, that there's a program the government set up that we in the opposition were in agreement with. I congratulated the government and said it was an appropriate program. That was compensation for those workers who were laid off. It used to be they had to stand at the back of the line to get the money when somebody went bankrupt, for instance; the worker compensation fund. Unfortunately, what has happened, to my knowledge, is that the payouts are very slow in coming these days. On paper it's an excellent program; in practice, because of lack of funding, the program has not satisfied people in our area.

I offer my support to the Minister of Labour with his cabinet colleagues to get the appropriate funding for that because I think it was a progressive piece of legislation. I know it's one that the Minister of Labour in opposition in government fought for for a number of years and he would be justifiably proud when that passed the House. However, as we know with any piece of legislation, to make it entirely effective there must be the appropriate funding, and I certainly want his colleagues to know that his ministry should be receiving the appropriate funding for that and any additional funding he needs to service areas which have high unemployment.

I also want to indicate that the Ministry of Transportation will be coming to St Catharines. I understand that the Premier will be in St Catharines tomorrow to announce it again. We've had several people announce

this. In fact, I remember standing on the steps of the library with the previous government announcing that the Ministry of Transportation would be coming to St Catharines. The commitment was made by David Peterson; Chris Ward, as the Minister of Government Services; the Minister of Transportation, Bill Wrye, were all there to announce that it was coming to St Catharines.

There was a little bit of reluctance, you will recall, Madam Speaker, early on because the Ontario Public Service Employees Union leadership in Toronto said they didn't want these ministries to move out of the city of Toronto. So there was a lot of reluctance on the part of many people who I would have anticipated would have been early and eager in their support of this move, reluctance to see that move take place.

But progress was made. I give credit to the city of St Catharines and its council. I give credit to the promotion task force, led by Walt Lastewka, who is now the federal MP for St Catharines, recently elected in the election, and to a number of other people in the community who promoted that move to St Catharines. You would be pleased, as the member for Niagara Falls, Madam Speaker, that the Ministry of Tourism and Recreation, now the Ministry of Culture, Tourism and Recreation, will be moving its head office to Niagara Falls. I was very supportive of that.

What happened was the government ran into a financial crunch and there was a lot of discussion about where moves would not take place. For instance, the Ministry of Labour, which was supposed to move to Windsor, did not move to Windsor, and there were a number of other moves that did not take place.

I rose in the House on a number of occasions and asked the ministers appropriate, plus the Premier of this province, would they live up to the commitment to move the Ministry of Transportation to St Catharines and the Ministry of Culture, Tourism and Recreation to Niagara Falls, because I knew that behind closed doors the government was looking at those programs and re-evaluating those programs and thinking of not making those moves.

I remember the member for Etobicoke-Rexdale, Mr Philip, who is now the Minister of Municipal Affairs, at the time said I was rumourmongering and that there was no fear that this ministry wouldn't be moving to St Catharines. Those of us who have sat on the government side know that in difficult economic times the government is looking at every expenditure.

I'm going to be pleased to welcome to the community that I've had the pleasure and privilege of representing for almost 17 years—St Catharines—and I will look forward to welcoming the Premier to our St Catharines. I will be very happy to have him there to make this announcement once again. The announcement tomorrow, as everybody knows, will be an announcement of the actual acceptance of the tenders for the building.

We've had the Minister of Transportation down. He made the announcement. I was delighted to be there on that occasion to see. It's nice to see when one government follows through on a commitment made by another government, because that doesn't always happen. This

was such a logical idea, such a good idea, such a progressive idea by David Peterson to move the Ministry of Transportation to St Catharines and the Ministry of Culture, Tourism and Recreation to Niagara Falls that I certainly commend the Premier, despite all of the opposition that was out there, some within his own ranks, to see the Premier follow through on that particular recommendation. I'll be happy to congratulate him on that occasion tomorrow and welcome him, as I always do, to the city of St Catharines.

I had the opportunity, and it was difficult, to sit in on a meeting last Friday for two and a half hours with a young couple by the name of McLaughlin. They have a daughter by the name of Sara McLaughlin. Mr and Mrs McLaughlin sat in with representatives of the Ministry of Community and Social Services, with people from the local area, education and social services and services for young people, to discuss the challenges presented by their daughter.

What these people were looking for was some assistance from the Ontario government in terms of hours provided for an intervenor with their child. Their child was born in a circumstance where the child has very little or next to no hearing, where the child has extremely little vision, and requires hours upon hours of attention to make even minor progress. The parents have done an excellent job—an outstanding job. The mother provided for us a video, which we watched, of her working with the daughter.

When I think of people who are hardhearted in terms of these difficult economic times, and one must always look at all of the expenditures government makes, but when I hear people who are on the extreme right and who say that all expenditures must be cut no matter what, I wish they could have sat in on that particular meeting to see these people trying to meet the needs of this young person. Certainly, I would be the first to commend to the government the idea of continuing that kind of funding. There may be other areas where there can be trimming without—well, not without penalty or consequence, but easier consequence than this. But surely, everyone in our province would be sympathetic to the circumstances faced by this young couple and their daughter. I will continue to fight on their behalf.

2200

I want to report to the House, because I've asked questions in the House about this, that the individuals who met with us from Community and Social Services, from Education and, locally, from social services that are provided and education and health services were very helpful, were very sympathetic, were looking for practical solutions. I hope that as a result the appropriate service can be provided to this person.

When I see people from the National Citizens' Coalition and the taxpayers coalition making representations to government to slash all expenditures, almost without consequence, I invite them to sit in on a meeting of that kind and see the genuine needs that are out there. It seems to me that's why governments are in existence, it seems to me that's why we are elected: to protect those who are unable to speak for themselves. The rich and the

privileged may not need the projects, may not need the intervention by government on this occasion, but certainly those who are in a disadvantaged position do, and I support those people.

I notice as well something that not all my colleagues might agree with. I saw a circumstance where the beer companies were starting to put more alcohol in the beer. I'm not particularly delighted with that because I think it's really aimed at young people. One company started out with some kind of ice beer, the iciest beer they can get.

Hon Evelyn Gigantes (Minister of Housing): It's existed for a long time, Jim.

Mr Bradley: The member for Ottawa Centre says what I'm saying is not true. I don't know why she would say that. Labatt's started out. They said that they were going to have a higher degree—

Hon Ms Gigantes: It's not new; I didn't say it's not true.

Mr Bradley: I'd like to know why it's not. Does anybody in this House think that's not true?

Hon Ms Gigantes: Not new.

Mr Bradley: Not true. Well, it's certainly new in terms of the last few months. Labatt's has come up with a 7% or over-7% alcohol content, and now Molson's has joined it. I guess what's new about it is the kind of marketing that took place when it first came out. If that marketing wasn't aimed at a relatively young group of people, then I would be very surprised. Because young people want to, I suppose, get the most out of the beer that they're going to drink and may be more inclined, because of their lack of funds, to spend money on a higher-alcohol-content beer, I would have hoped that the Minister of Consumer and Commercial Relations would have intervened early on. She has reported to the House, discussed this, but I want to report that I'm not particularly happy with this happening, because of its effect on young people in our province.

I also want to look at the police services board, and the Speaker, who is from Niagara Falls, would be aware of this. There was a very sad and unfortunate fatality which took place in the Niagara Peninsula where Police Constable Paolozzi was accidentally shot at a range which is under the auspices of the Niagara Regional Police Services Board. There has been an SIU investigation of this.

I'm sure that the family of Constable Paolozzi and others directly involved, as well as all of us in the peninsula, are wondering why it has taken so long to have this investigation and a report take place, because it happened several months ago. The chairperson of the Niagara Regional Police Services Board wrote to me in October and asked if I could assist in having this appropriately looked after. I directed this question to the minister, who I know has limited authority in this particular case, but I hope this could be solved.

I also want to say that in the Niagara Peninsula, if I could look at any of the issues that are affecting us, people still are talking about, with some deal of justification, the unfortunate homicides which have taken place in Niagara and the Hamilton-Burlington area. We commend

very much the work of the police forces and the investigation they have undertaken for these particular murders that have taken place.

We're all concerned and repulsed by the fact that people can make money out of this. In other words, those who have perpetrated crime have the opportunity to make money on that. Certainly, if I were to listen to the calls that have come into my constituency office, people would hope that this kind of exploitation of these circumstances could be terminated by either the joint action of the federal and provincial governments or an individual initiative on the part of either one of the governments.

As well, I want to indicate that sometimes when people implement things such as a social contract, they don't understand some of the consequences when people are cutting back on the drugs available to people. I have a letter here from a constituent. It's actually from a doctor who is writing on behalf of a constituent. I won't mention the name, but it says the following:

"This is to confirm that the above is suffering from severe, recurrent, chronic pancreatitis. Among the medications she is receiving is Cotazym or pancrelipase." It's a very long name, as you can appreciate. "She requires these to aid her digestion. Without these, she experiences severe bloating and discomfort and indigestion and is unable to eat, resulting in weight loss.

"She has tried doing without these recently and has run into difficulties. It is my opinion that the patient needs this medication and needs help obtaining these."

The reason I raise this is that the cost of this medication is extremely expensive. This person now has to go on bended knee, with the assistance of her doctor, to obtain this particular medicine. I think in Ontario this should not necessarily be the case.

We have a number of Alzheimer patients in our part of the province as well. I met with the respite workers and others who are care givers, often people in the family, about the opportunities available for patients with Alzheimer. Again, what they were looking for was intervention. They were looking for respite care, because often the people who are providing these services themselves become extremely depressed and stressed out by the fact that they're dealing with people with extreme medical problems on an almost 24-hour basis. I hope the government would address that.

I've had people who have called my constituency office and said, "Would you please get somebody into one home or another so they can get this service?" Of course, we do not have a circumstance, nor should we ever, where people would get to the front of the line by political intervention, but I do make a plea on behalf of all the people who face those circumstances.

The Ministry of Transportation is not in this, so I can't appropriately deal with the issue of photo-radar; I'll save that for another occasion.

Mr Conway: Why would you stop? I think that's a women's issue.

Mr Bradley: I don't know if it is. At Allcare Landscape in St Catharines, and I'll say this very briefly, the manager is very concerned because he says that he has a

number of trucks or a fleet of trucks out there and there's going to be a real dispute between—

Mr Marchese: Transportation isn't on concurrence, Jim.

Mr Bradley: This could be a women's issue, because I think some of the people who drive the trucks are women. They are very concerned that there are going to be squabbles between the employees and the employer once the photo-radar starts clicking away. I wanted to raise that issue.

The Minister of Housing is in the House. All of us have received from various people in the realty business a plea, along with people who would like to make purchases of new homes, for the continuation of the Ontario home ownership savings plan. I have urged both the Treasurer and the Minister of Housing, with letters to them, to continue this very popular and helpful program that of course has a very positive effect on job creation in the province and allows people to get into their own homes which they own themselves and can have a good deal of pride in. I hope the government will give favourable consideration to the extension of the OHOSP program, which could expire on December 31 of this year.

I want to talk for a moment about the circumstances faced by kidney patients. I'm assured that the Minister of Health, after much intervention on the part of those of us in opposition—my colleague the member for Halton Centre, Barbara Sullivan, the Liberal critic in terms of health care, myself and others have raised the issue of the drugs that are needed by dialysis patients. I hope the matter's been resolved. I understand the minister presented a press release to members of the news media which said that she was going to deal with this problem. People were very concerned that they wouldn't be getting their needed medication and, as a result, could see their health deteriorate. I hope the problem has been solved and I certainly urge the minister to provide that medication.

2210

I have a letter from Tabor Manor in St Catharines—it's a senior citizens' home and apartments—complaining vociferously about the Workers' Compensation Board premium increases. For homes for the aged, they are scheduled to increase from the present \$2.15 per \$100 to \$6 per \$100 in 1994. They go on to say:

"We have all been pressed to decrease spending and are willing to do our share to reduce costs. On the other hand, we have been forced to spend more on health care premiums, medication etc. We feel that a 181% increase in any sector in this time of constraints is unconscionable. How were these rates established? We can prove that our claims did not go up by that percentage in recent years. I firmly believe that a serious attempt to curb abuse in the system would reduce costs to WCB and mitigate the need to increase premiums.

"I understand that WCB will be submitting a recommendation for the increases shortly and that the board of directors will discuss the matter in October." I received this in September of this year. "We would appreciate your support in helping us oppose the drastic measures which are presently planned." This is written by the

administrator, and I certainly support their position, as my colleagues the Liberal leader and the Liberal critic in the field of Labour have done.

In addition to this, we've had other people writing to us. There are people who are in the private sector in terms of delivery of health care in the long-term care division. Here's the odd thing: Some of these people have shown up at my office and told me—they didn't have to tell me because I knew it—they were lifelong, or at least long-time, NDP supporters. If you could listen to what they had to say about the NDP government on this issue, you might be very surprised.

These aren't wild, right-wing free-enterprisers. These are people who simply believe that the product they are delivering should be allowed to continue. They don't say all of the health care should be from the private sector; they understand the public sector and the non-profit sector should both be involved. But they do believe they're providing an excellent service. They are ordinary people, just like myself and some others in the Legislature, who want to try to provide this service, perhaps make a small profit while they're doing that and be very efficient. In fact, they believe that by the long-term health care provisions of this government they're going to be put out of business.

Broadway Gardens in St Catharines has written to me to say that it is concerned about Bill 91. They say that the entire farming community is concerned about this, and I can understand that. They're talking about the Minister of Labour recognizing the significance of the task force recommendation by confirming in writing by May 19, 1993, that the government would "proceed with a separate labour relations act for the agriculture sector based on the task force report." They are concerned about the provisions of that task force report.

There are many other areas. Our party has conducted a task force in cancer care. The task force has gone around the province. I have found, because the member for Renfrew is in the House this evening and I had one on work and school, I think is the best way of putting it, back when we were in opposition previously, and I know members of the government have found the same thing when they were in opposition, because the NDP had some excellent task forces as well, that when you go around and talk to the people and get representations made, you really find out about the problems. If there's one thing that concerns a lot of people out there, partially because of an aging population but also because of a growing number of people who are afflicted in some way or other with cancer, they are concerned about their ability to receive treatment in a timely fashion and in an efficient fashion.

There have been many instances mentioned in this House, and that came to the attention of the task force, that indicate that all is not well in this field. An effort has been made over the years—and it's difficult to keep up; I'm not unfair enough to say that it's a very easy problem to solve. But I think all of us would be wise to address that in a forthright manner. Again, if you're looking where the public is prepared to make an investment, that investment could easily be made in the field of health

care and providing cancer services.

When a person is diagnosed and then you say to the person, "But of course you won't be able to receive radiation for about five weeks after you're diagnosed," that person becomes justifiably concerned.

I'll tell you what would happen in the Niagara Peninsula. If the person was rich, they would go to Roswell Park in Buffalo and receive the treatment probably the same week. If the person doesn't have the money or the wherewithal to get to Buffalo, then that person could wait five, six or seven weeks to receive that treatment, and cancer is a disease which we want to be able to address at its very earliest stages if we can.

I certainly commend to the government, because it has somebody—some people said spying. I am one, by the way, who doesn't object to that, to the fact that the government has somebody from the Ministry of Health monitoring what goes on. As I say, opposition people, maybe some of my colleagues, would say it's a kind of spying mission, but I think it's positive, because they hear what we are hearing and perhaps can take appropriate action at the same time.

In addition to this, I've received a number of letters about Bill 47, which is on photo-radar. I can talk about that on another occasion.

Here's one that I thought the members of this government might find interesting. This is a doctor in St Catharines who is pointing out that although the government believes it is solving a problem through the social contract, it's really not.

Let me put this in context. This doctor is writing to a young patient who is diabetic, saying; "I'm sorry. I can no longer see you." He writes as follows. I won't mention the person's name. I don't like doing that without people's permission.

"Dear"—and the boy's name

"As a result of the social contract imposed on me by the government of Ontario and the Ontario Medical Association, I will have to decrease my practice to save the government 4.8% of my billings, in addition to closing my office for nine"—what he refers to as—"Rae days. As the services I perform on children over 15 years equals the 4.8% of my practice, I have decided to stop providing medical services to this group. According to my records, you are one of this group, and I'm therefore writing to you to advise that as of two (2) weeks of your receiving this letter, I will no longer be considered as your doctor.

"May I suggest that you either try to continue with your family's doctor, or find a new doctor who will be able to start looking after your medical needs. You may obtain the name of doctors willing to take new patients by phoning the secretary of the Lincoln County Academy of Medicine.

"Let me say that I have enjoyed being your doctor in the past and wish you good luck and good health in your future.

"Yours sincerely," and it's signed by the doctor.

The point the patient makes to me is that there's not

going to be a saving because this patient is simply going to go to another doctor and that doctor is going to take on the load from this. So the government, in fairness, may have said, "We hope we could solve a problem by doing this"; in fact, in practice, as has been demonstrated here, that simply is not working and that person is not enamoured with the Ontario government as a result.

I did want to give some of my colleagues an opportunity to address some of the issues of importance this evening. I do like the opportunity to go through—is Agriculture on this list? It is, isn't it?

The Acting Speaker: Yes.

Mr Bradley: I'm a person who believes very strongly—and I don't say I'm a majority in this province by any means, but I've made this speech in the House before as well, because I always thought the NDP was going to save the farm land. I remember during the last campaign the then opposition leader would stop in the Niagara Peninsula and say: "Look at all this agricultural land that's disappearing. Isn't it awful? I'm going to put a stop to this."

Well, as I drive, as I know you do, Madam Speaker, from Toronto to St Catharines or to the Niagara Peninsula, every time I turn my head sideways I see a new warehouse or some other building along the Queen Elizabeth Way. It used to be a quaint, beautiful drive, and now I see the rapid urbanization of that area, much to the detriment of farming and much to the detriment of a rural lifestyle we used to enjoy in the Niagara Peninsula.

I well remember Stephen Lewis getting up in this House and saying we were losing—what?—35 acres an hour or something like that of agricultural land.

2220

I would have thought that the present Premier, who so vociferously and eloquently defended the position of preserving agricultural land, would not, for instance, have given London all that agricultural land in that famous land grab by the city of London, acquiesced to by the NDP members from London, who apparently supported it; at least did not raise public objection to it. If they're in the cabinet, I understand why, because cabinet ministers must maintain solidarity, but those outside of cabinet had a chance to fight to save that agricultural land.

I see it happening across the province now. I know—

Hon Ms Gigantes: What about Pickering?

Mr Bradley: And Pickering. Good. I'm glad you mentioned it, because in Pickering the provincial government is selling off all kinds of land. In a petition which has been read in the House on many occasions it's been enunciated. I wish I had that from the Hansard of yesterday. Perhaps the member for Renfrew will find it in the Hansard from yesterday. It lists the land the provincial government is selling in Pickering.

We've had some petitions from the member for Durham West and others—

Mr David Turnbull (York Mills): Including the golf course.

Mr Bradley: Golf courses, all kinds of things that have been sold by the provincial government and are still

selling in Pickering. I look out there and say, this was the government that was going to be different, and what do I see? The agricultural land being gobbled up, as well as being gobbled up by dumps in various places.

It's not that I want to be critical. I had to listen for all those years to the member for Ottawa Centre, when she was the member for Carleton East and then Ottawa Centre, talk about how the NDP was going to be so different, and I actually believed that over the years. I was one who was convinced that somehow the Conservative Party and the Liberal Party were evil and could not be trusted and the NDP would solve everything.

They got their chance. The member for Oxford ran for the party. I'm sure he was convinced they were going to be different. The member for Etobicoke West was never convinced they were going to be different. He warned me, but I was trying to give them a fair chance. The member for Etobicoke West said, "You shouldn't do that, because you will be disappointed."

I see the agricultural land now disappearing and I remember one person—

Mr Stockwell: Were you disappointed?

Mr Bradley: I was very disappointed, but I shouldn't be surprised, says the member for west Etobicoke.

Hon Ms Gigantes: What did you do as Minister of the Environment?

Mr Bradley: Oh, there; I could do a whole speech there, because this is where you're on very weak ground. I have made a practice in this House, because I said I would not—I did not want to be the critic in the field of the Environment because I had worked for five years, three months and four days with an excellent staff in the Ministry of the Environment. I felt it would be very unfair to then stand in the House and be critical of that same staff.

I'll tell you that I could sear this government when I know what you're not doing with the environment. I think the last thing the member for Ottawa Centre should mention is your record on the environment. There has been virtually nothing happening.

Mr Sutherland: Oh, come on.

Mr Bradley: Well, I ask—

Mr Sutherland: The Environmental Bill of Rights?

Mr Bradley: The Environmental Bill of Rights is a joke. It is a watered-down—I looked at the original bill put forward by the member for Etobicoke-Lakeshore and now the bill that's put forward and I can tell you they're something entirely different.

The clean air program is dead. The MISA program is way behind. I looked at the chlorine provisions and the weasel words in the chlorine provisions. I know the members of the industry are happy that you put those weasel words in, but I'll tell you, that would never have been accepted if a Liberal government had done it. You would never have accepted that in the opposition and allowed that to happen. There was more action—

Hon Ms Gigantes: Give me a break.

Mr David Winninger (London South): So you did nothing.

Mr Bradley: I simply ask to go to objective observers and ask them to compare the two governments in the amount of environmental action and progress made, and not myself and not yourself, because we're both political people, we both have an opportunity to make our cases. I simply say, go to fairminded, objective observers, and they will say that the period of the Peterson government in the environment was far more progressive, far more active than has been this government.

I understand your financial circumstances. I apologize for you for that, because I know it's difficult, but please, never, never make the case that you could come anywhere near the record of the last government, and I say that as a government as opposed to anything else.

Mr Sutherland: On the environment?

Mr Bradley: Exactly, on the environment, sir. You just compare all of the things that were done in that period of time with what's been done in this period of time and I can tell you that it simply doesn't compare. I hope you make progress, because I know there are a lot of environmentalists elected over there.

Is there a time limit on—

The Acting Speaker: I would like to remind the member that I would like to give him lots of leeway, but the Ministry of Environment is not on our list.

Mr Bradley: Is the table saying I'm out of time? I don't think the clocks are working.

I'm very pleased to make these remarks and I now yield the floor to my fellow colleagues, especially from the Conservative Party who are sitting there.

The Acting Speaker: Further debate? Do we have a point of order?

Mr Turnbull: On a point of order, Madam speaker: I'm just surprised that the member for Oxford had so much to say heckling and now hasn't got up.

The Acting Speaker: Thank you. Another point of order, the member for Cochrane South.

Mr Gilles Bisson (Cochrane South): Madam Speaker, I did not raise the point of order at the beginning of the honourable member's debate, but I was standing in my place ready to be recognized in rotation of my party in debate and ask that I be recognized at this time.

The Acting Speaker: I apologize to the member. I did see you standing. I didn't realize that you actually wanted to debate. I've made that mistake. I think you will be included in the next round. Would that be satisfactory?

Mr Bisson: That's fine.

The Acting Speaker: Further debate? The member for Etobicoke West.

Mr George Mammoliti (Yorkview): You're lucky, Stockwell.

Mr Stockwell: Mr Yorkview, thank you.

This is an excellent opportunity for opposition members to take time to debate a series of concurrences surrounding the ministries outlined in the orders of the day. What it does is a bit of a checklist, and you can go through that checklist and through each ministry assess

the individual benefits and negatives that they've offered this province during the past number of months.

Since we started at Ag and Food, I'd rather move to 70, which is Housing.

Mr Conway: I think you should give us your agricultural perspective.

Mr Stockwell: I will leave the agricultural perspective to those such as the member for Grey-Owen Sound and the member for S-D-G & East Grenville because they offer up I think far better, more insightful points of view with respect to Agriculture and Food.

The Ministry of Housing: Why do I want to talk about the Ministry of Housing? It's probably got a lot to do with Bill 120—I think that's the new number—and the complete and absolute ignorance of the processes that are in place at local levels which local councils, duly elected officials in this province, operate under to provide zoning, planning and the needs to the local people who elect them.

I say this because I believe fundamentally that local councils are the closest to the people of any of the elected officials. I don't think anyone would debate that point, because I think these people represent neighbourhoods and communities that are in the tradition of the John Sewells and Jack Laytons and people like that, the Richard Gilberts and so on of the NDP stripe at the local levels.

Why I say that is because those people on those local councils, those stalwarts of the NDP past often spoke to the issues such as local planning, neighbourhood initiative, grass-roots politics. Quite often they would say, "What we need is more local issues, more local meetings, more local input into how decision-making takes place," yet what we have from the Ministry of Housing is a cookie-cutter initiative, an across-the-board edict coming down from the minister that says regardless of where it is, regardless of who it's going to affect and how it could be implemented, all homes in the province of Ontario, all semi-detached housing, all row housing, now become duplexes, now become apartments, regardless of the impact on the local municipalities, regardless of the impact on the local neighbourhoods.

It flies in the face of all those important things these people stood for at local councils: neighbourhood involvement, grass-roots politics, participation, about letting local people make decisions that affect their local neighbourhoods.

2230

These are the policies they stood for. They quite often said, when it came down to something as simple as a simple addition in a neighbourhood to a house—an addition, a small addition—that a public hearing was necessary to allow the neighbourhood to vent their concerns.

Mr Bradley: Did Howard Moscoe say that?

Mr Stockwell: Howard Moscoe said it. Howard Moscoe was one of those protectors of local neighbourhood rights to change, initiate and discuss local planning. Gosh, there was nothing more important to an NDPer: local planning, the power of the people, grass-roots,

bottom-up democracy, all those lovely phrases they hung their hats on.

Mr Bradley: Olivia Chow?

Mr Stockwell: Oh, yes, although I never sat with Ms Chow.

Mr Bradley: Jack Layton?

Mr Stockwell: Jack Layton, yes, quite often Jack Layton. My goodness, that reminds me; Jack Layton spearheaded the attack on the Spadina LRT. And what did Jack Layton do on the Spadina LRT? He said, "This needs neighbourhood participation," so much so that a four-inch curb they thought should be a two-inch curb for the LRT right of way, because of Jack Layton and neighbourhood involvement went through for environmental assessment, costing the taxpayers \$1 million—to make a four-inch curb a two-inch curb. That was participation. That was local involvement. That's what planning and zoning and official plans were all about. Now what do we have? We have a socialist government changing the fabric of neighbourhoods across this province.

Mr Winninger: For the better.

Mr Stockwell: You say, "For the better." I think there are a lot of people in this province who will disagree with you.

Mr Winninger: Seventy per cent favour apartments in houses. Check your facts.

Mr Stockwell: If they believe that, local councils would have allowed basement apartments in—

Hon Ed Philip (Minister of Municipal Affairs): He doesn't know we are not on that bill.

Mr Stockwell: Oh yes, we are on concurrence, I say to the minister. We're on concurrence, so I knew that.

Mr Conway: Let's not have a nasty little quarrel among Etobicoke members.

Mr Stockwell: Local councils would have the opportunity of implementing official plan amendments through public hearings, rezonings, take out R-2, put in zonings for multidwelling. You could put it in row housing and in semidetacheds; public hearings to make neighbourhood changes.

You see, that's what I don't like about this government. I thought they were truthful when they talked about neighbourhood—but you know what I find? They were only truthful and they only wanted public participation and they only wanted neighbourhood involvement when they were in opposition, because they weren't the decision-makers. The minute they become decision-makers, there's no need for neighbourhood involvement, public participation, grass-roots democracy and ground-up democracy any more, because they know all. They know what's good for every residential neighbourhood in the province of Ontario.

They know it, so don't ask them any questions. Don't talk about neighbourhood involvement and democracy. Don't talk about cars trying to get up streets. Don't talk about snowplows trying to get up congested streets so they can get fire trucks through to houses that are on fire, but can't get through because cars are parked haphazardly because there are too many cars, and basement apart-

ments will only exacerbate the problem. Don't talk to them about that, because they know all, they understand all.

They say to us, "We'll put in basement apartments." What are going to be your bylaws? What are the bylaws that will apply to these basement apartments? Do you know what their response is? "We're going to write some." Well, what are they? "We'll tell you when we write them." Don't you think you should write them first and then tell the municipalities what the new building code standards for the province of Ontario will be for basement apartments? Don't you think you should do that first, and then the municipalities can decide whether or not these are reasonable building standards to apply to municipalities?

I'll tell you, building standards for basement apartments to people in Parkdale are very different to people in Halton and are very different to people in Rosedale and are very different to the people in Kingsway and are very different to the people in Agincourt—very, very different. All these homes are different. All these neighbourhoods are different. All these neighbourhoods have very different problems. To simply broad-brush the issue and say everybody lives in a basement apartment and here are the codes that everybody lives by, whether you live in Wawa or Dryden or Kingston or London—

Mr Murdoch: Or Owen Sound.

Mr Stockwell: —or Owen Sound; all the same. It matters not.

Mr Mammoliti: Throw 'em in a cardboard box. That's Stockwell's solution. Under a bridge.

Mr Stockwell: I hear the member for Yorkview saying, "Throw them all into cardboard boxes." First, that is offensive, and second, not true, and I'm offended that he should say such a thing.

Let me just say this. If this basement apartment legislation passes, I'll tell you, basement apartments that are presently in place will not conform; 70% to 80% will not conform. You want to know why they won't conform? You need an entrance stairway and an exit. Practically none have an entrance and an exit stairway. You need minimum ceiling heights. Most of the basement apartment ceiling heights don't comply. They need minimum window requirements. Most basement apartments don't have that.

What this member says is that I want to put them in cardboard boxes. He's going to put 80% to 90% of those people now in basement apartments on to the street in the name of an ideological position adopted by a Minister of Housing that is so completely out of touch with the realities of municipality building codes, zoning and planning issues.

But there will be a public hearing. They will have input eventually, because when you amend an official plan—I'm not sure the members know this—you must have a public hearing, and the public will let them know what they think about basement apartments.

Health: I think our representative for the Ministry of Health has done an admirable job this session pointing out the (a) ineffectiveness and (b) lax methods of their

holding on health cards.

The Ministry of Labour, Bill 80: Much debate about Bill 80. I would think that if this government—

Mr Mammoliti: You're not qualified to talk about it.

Mr Stockwell: The member for Yorkview says I'm not qualified to talk on Bill 80. I will say he's probably right. I don't pretend that there's an understanding about Bill 80 that I have on this side of the floor that you don't have on that side. So I'll move on.

Economic Development and Trade: Economic Development and Trade is a ministry that seems to be absolutely non-existent, and I say that very matter of factly.

Mr Bradley: Except for?

Mr Stockwell: Except when they close down offices and leave known NDPers on the public payroll long after these offices are closed, namely, Robin Sears, a friend of none other than Robert K. Rae QC.

Hon Ms Gigantes: How about Robert Nixon?

Mr Stockwell: Robin Sears is a friend of Robert Nixon? I didn't know that. So now Mr Sears is a friend of Robert Nixon and Robert K. Rae QC.

Mr Conway: The only thing about Nixon is, when they closed his office, he came home.

The Acting Speaker: Could we have one person speaking, please.

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Mr Stockwell: Yes, he did come home. He came home pronto and got a job with the federal Liberals. But Robin Sears didn't lose his job right away.

It seems to me there's very little this department is doing. The announcements are minimal, to say the least. The minister's responses seem to centre around the recovery, this jobless recovery that's taking place that no one knows about except the government.

Mr Bradley: Well, they've hired Murray Weppeler.

Mr Stockwell: Murray Weppeler's the new spin doctor who's going to explain to the people of this province, who have never been more unemployed, never been more on welfare, never had poorer-paying jobs, how this recovery is taking place and prosperity is breaking out all over.

The only people who seem to know about this prosperity are the Minister of Economic Development and Trade, the Treasurer and Robert K. Rae QC himself. They're the ones who seem to talk about this recovery. Other than the three of them and a few of the assorted backbenchers, I don't see it.

Mr Winninger: Open your eyes.

Mr Stockwell: Where? Where is it happening? The unemployment rate isn't coming down.

Mr Bradley: Not in St Catharines.

Mr Stockwell: Is St Catharines booming, I ask? Is Renfrew booming, I ask? Grey? Is there a boom taking place in London that the rest of the province doesn't know about?

Mr Winninger: London's doing well.

Mr Stockwell: London's doing well. I want to get on

the record that the member for London South has said today—it's official—that London is doing well.

Mr Winninger: We had the lowest rate of unemployment in Ontario.

Mr Stockwell: You always have the lowest rate of unemployment. What is your rate of unemployed?

Mr Winninger: About 9%.

Mr Stockwell: It's 9%, and London's doing well. Wouldn't you love to see London doing terrible? What's terrible?

Mr Winninger: It's better than 11%.

Mr Stockwell: Sure, 9% is better than 11%; not as good as, say, 5% but it's better than 11%.

The Ministry of Economic Development and Trade has been limited announcements, closure of offices, return of the ministry staff from overseas, and some announcements about one-stop shopping for a non-existent manufacturing sector that isn't expanding or growing, and an announcement of spending—I forget. Was it \$50 million for 50 jobs at the Toyota plant?

Mr Sutherland: No. One million dollars from us and they're investing \$50 million.

Mr Stockwell: One million from the province for—how many jobs was it? I forget.

Do you know what I want to talk about? I want to talk about the Ministry of Culture, Tourism and Recreation. Do you know why? Those ministries have not been central in this government's platform in the last number of years. There's a decision made in this ministry that I think was absolutely, mind-bogglingly dumb. This ministry a few years ago announced—believe it or not, this is what this ministry announced—that to raise more money and to make it more profitable they were going to let people into Ontario Place for free.

There are probably a lot of people out there who really can't understand that or comprehend it, but this is true. They announced at Ontario Place that to raise more revenue and generate more profits they were going to let everybody in for free at Ontario Place. Is this a socialist concept or what? They're going to let people into Ontario Place for free and raise more money. Well, what happened? I ask the members opposite if any of them have looked into it. I myself have looked into it because I couldn't believe how dumb that idea was when it was announced.

Hon Anne Swarbrick (Minister of Culture, Tourism and Recreation): You are talking about me. What are you saying?

Mr Stockwell: The minister came in. You weren't there when that was announced. What happened was that Ontario Place decided it was going to generate more revenue and more cash flow and more money, I say with the minister here, by allowing people in for free. What has happened since this mind-boggling brainstorm? They lost more money than they've ever lost in the history of Ontario Place. You'd think that would just follow.

Hon Ms Swarbrick: That's not true.

Mr Stockwell: You tell me. You've made more money than you've ever made?

Hon Ms Swarbrick: Yes, we've been decreasing the annual deficit.

Mr Stockwell: No, they've been decreasing the annual deficit because they made this decision a couple of years ago. Those couple of years ago your losses bottomed out.

Hon Ms Swarbrick: The deficit has been decreasing over the last couple of years.

Mr Stockwell: Right, but two years ago you made the decision to let people in free and you never lost more money in the history of Ontario Place, ever. Now they've lost less in the last couple of years, but they're still letting people in for free. It's mind-boggling to me that a government would think—

Hon Ms Swarbrick: It's a good business decision.

Mr Stockwell: It's not a good business—you see, you have people defending this still. This is what astounds me about this government. They let people in for free and they lose more money than they've ever lost and they're saying, "It's a good business decision."

Mr Murdoch: That's why they're running the country into the ground.

Hon Ms Swarbrick: I should tell you about other days of your government.

Mr Stockwell: When we ran the place, we charged people to get in.

Hon Ms Swarbrick: You lost a heck of a lot more.

Mr Stockwell: Then let us have this debate one day because the numbers that I get from the ministry staff indicate they've never lost more money than when they announced they were going to let people in for free. Now they let people in for free—

Hon Ms Swarbrick: We also do straight bookkeeping now, which you didn't used to.

Mr Stockwell: Excuse me?

Hon Ms Swarbrick: We also have straight bookkeeping now.

Mr Stockwell: Straight bookkeeping, yes.

Mr Murdoch: That's what the auditor said, didn't he?

Mr Stockwell: I've got to take a lecture on straight bookkeeping from a government that can't get the auditor on side to give you a clean bill of health on the books of the province of Ontario. But apparently they cleaned up their books to the point that they got a red-letter day when it comes to bookkeeping at Ontario Place.

Hon Ms Swarbrick: That was the best audit a government has had here since Richard Mackie can remember.

Mr Stockwell: Who's Richard Mackie? The guy from the Globe?

Hon Ms Swarbrick: It is the softest audit. Sean probably knows.

Mr Stockwell: Here we have a financial guru in our midst. The writer for the Globe and Mail, Richard Mackie, now not only writes for the Globe; he marks financial statements put out by the auditor and quoted by the Minister of Tourism in this Legislature. This is beautiful.

So, let me carry on. Here's what I will say—

Hon Ms Swarbrick: And he was speaking to a former cabinet minister who agreed.

Mr Bradley: So what was it Ross McClellan said?

Mr Sutherland: No Minaki Lodge in this auditor's report.

Mr Stockwell: Oh look, if you want to get into the auditor's report, let's talk about the auditor's report then. If this is what you'd like to debate, I've got four hours and 20 minutes to do that. I'll talk about the auditor's books, okay? The auditor did sign off on your books, I agree. He signed off I think under duress. Under duress he signed off.

But you see, you still don't understand why he took you to the cleaners and why he said you're not fiscally responsible people. He did that for one very important reason—and the Attorney General may be interested in hearing this—because, Attorney General—

Mr Bradley: What did she call you the other night?

Mr Stockwell: "Honey."

Because, Attorney General, you and your government—

Mr Conway: We have come a long way from that lecture of 18 months ago.

Interjection.

Mr Stockwell: I'm sure it was.

Mr Murdoch: Say it isn't true over there.

Mr Stockwell: I'm sure smaller sorts would've stood up on a point of order and had a rather outrageous rant on this. But I saw the source and I understand it was just a—in a pique of anger, she responded that. But let me just talk about the auditor. The auditor would not give you a clean—

Hon Marion Boyd (Attorney General): It was a joke, Chris; it was a joke.

Mr Conway: It sounded very sexist to me.

Mr Stockwell: It may have been a joke but I went to the union joke school and that would've been considered a sexist joke. I'm trying to play it low; if you want to play it up, I will. At the union joke school they wouldn't have thought that a funny joke.

I will try to get to the auditor—

Hon Mrs Boyd: You, however, they would find a funny joke.

Mr Stockwell: Okay. The Attorney General's baiting me. I'm trying not to take the bait and I'm doing my best, so I will continue.

The auditor said very clearly that the reason they can't have a clean bill of health on their books is the \$528-million payment to the teachers' pension fund.

Why will you not just admit you were fiddling with the books when it came to that \$528-million payment? I say categorically it was fudging the books. I say categorically it was fiddling the books. I say categorically that in the private sector that would be near fraudulent, if you tried to pull that stunt in the private sector. I will say that.

If you went to your shareholders—and I will say this, I will say it clearly, and I'm not talking preflows—and issued a report that directly understated your debt by \$528 million, you would be brought up and asked to explain that and very clearly, you'd either be given a very stern warning, "Never pull that stunt again," or you could be charged; no two ways about it. Absolutely, categorically, no two ways about it. If you tried to understate your debt knowingly by \$528 million, you would be very close to being charged. Private sector companies would be charged for that, and why is that?

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Don't confuse it with preflows. Preflows have nothing to do with it. The Tories preflowed, the Liberals preflowed, the NDP preflowed. If all you did was preflow, I don't think the auditor would have been nearly as condemning as he was with the deferment of \$528 million for 91 days, which is exactly one day longer than your fiscal year ran out.

Mrs Margaret Marland (Mississauga South): Chris, is that dishonest?

Mr Stockwell: It's more than dishonest; it's fraudulent. It's more than dishonest; it is fraudulent, because you did it not through error; you did it knowingly. You made a deal with the teachers' pension fund to pay them an increased percentage of interest on that money. You knowingly went out, paid a greater interest rate to postpone a payment for 91 days and understated that amount on your books as debt. That, in the private sector, would be very, very dangerous for any corporation to do. In fact, this government, if a corporation did that, reported to the shareholders, would be standing up and screaming blue murder.

Mr Turnbull: What would the securities commission say?

Mr Stockwell: The securities commission would have a lot to say to a company that did that. That's very important.

My time's up. Let me just say, I hear what your Treasurer says in response, and he tries to sidestep the issue quite often. He doesn't face the issue directly. He doesn't face down the issue. If you want the auditor to get back on side, I'll tell you how the auditor can get back on side. It's not this cash-basis accounting. I mean, he wants you to do that and he wants you to do accrual-based accounting; I understand that. If you want to get the auditor back on side, when you start the crown corporations, show their debt on your books. When the education boards go out and borrow money on your behalf, show their debt on your books. When you defer the amount of money to the teachers' pension fund, show their debt on your books. If you show that debt on your books, this auditor will be one of your very best friends, but until you do that, he has a responsibility as an accountant and a professional to ensure the people of the province know when you're fudging the numbers.

The Speaker (Hon David Warner): I appreciate the contribution of the member for Etobicoke West on the concurrence debate and recognize the member for Cochrane South.

Mr Bisson: I'd like to take an opportunity to go through some of the things in regard to a number of ministries that we have before us today.

Let me take this from the perspective of talking a little bit about what's been happening within the province and the decisions that we've had to make as a government over the last six, seven, eight to 10 months. Obviously the process started before that, but really what people are aware of and probably people are concerned with is the process that we went through in regard to the social contract and the expenditure control plan.

I would want to say first off to people out there who are watching that this has been a difficult process, I think, for not only people within the civil service to go through but it's also been a very difficult process for us as a government to go through. Because what do you do when you come to the point where you really have to start making some very difficult decisions about how much money you can afford to spend on various services within your budget?

The point that I want to make is this: The same kind of decisions are having to be made by a number of governments all across this country, and now soon our federal government, the newly elected Chrétien Liberal government, is going to have to make those same decisions.

I asked legislative research recently, in order to be able to pull together some information for me that made some comparisons of what various provinces have done within the past year within their budgets in regard to what's happening in regard to trying to contain costs and deal with taxation within provincial governments.

It's a very telling story. One of the things that we tend to do—and I think we all do it and I think we're all just as guilty as the other one—is that we all tend to take a look at things from where we're at and never take a look at what's happening around us. What I mean by that, simply put, is that I understand the concerns and I understand the frustration and, yes, anger on the part of some people in regard to the experience that we went through with the social contract, but I think what was never really looked at and what really never happened in discussion is that we never got into a discussion in regard to what is happening in other places around Canada in comparison to what's happening in the province of Ontario.

The approach that we took was a very comprehensive approach. The approach was to say that we need to be able to answer one basic question at the very beginning: Does the government have an obligation in regard to trying to find a way to deal with its expenditures in a way that they don't run away on you over the long run?

First of all, in 1990, we were elected to find that there was—I would like to use the term lightly—a structural deficit within the budget that was left by the previous administration that wasn't fessed up to. In 1990, the Peterson government called an election not even three years into its mandate in order to be able to deal with trying to get underneath this recession in a way that gave it five years to try to build some solutions so that when it went back to the people of Ontario, hopefully people would have forgotten.

What we ended up with was a structural deficit in year one of about \$8.5 billion. One of the mistakes that we made as a government right at the beginning was that we didn't hammer it back to them when we had the opportunity. We decided that we as a government were going to take the high road and recognize what had happened to the government of Ontario of the day was not malicious by any intent in regard to what had happened to its budget. What had happened to their budget was the recession. The recession had started to take hold, and the revenues of the government were going down at the same time when costs were going up because of pressures that are put: in a time of recession, people need more government services. What that meant at the end of the year—I see the Speaker looking at me.

The Speaker: To the member for Cochrane South, if the Chair can be of assistance to him, this is a debate on concurrence, concurrence in each of several ministries.

Mr Bisson: I am coming right to that.

The Speaker: The member should be addressing his remarks to the particular ministries, not a budget speech.

Mr Bisson: I realize this is not a budget speech. I wanted to put this in some context going into it because I wanted to go through concurrence of various ministries in regard to what's not only happening in Ontario but by comparison to what's happening in other jurisdictions within the country.

Mr Randy R. Hope (Chatham-Kent): The overall picture.

Mr Bisson: The overall picture. Bear with me. It'll be very quick. It'll take one minute. The point that I want to make is that the government faces decisions in different ministries that are before us that we're debating today based on what happened in the economy. That's what I'm trying to say. What we maybe should have done, in hindsight, is been political in the beginning and turned some of the attention back to the other government; we decided not to. We took the high road. At the time, we thought it was the right decision; it probably was, but politically it had some cost.

Anyway, I want to turn to take a look at some of the things that we had to deal with within the province of Ontario within various ministries. This government has been chastised by not only the opposition but by the public to a certain extent in regard to how it dealt with containing the costs within various ministries. The point that I would make is simply this: When you compare what has happened to the ministries within this province to what's happened in other provinces, the approach that this government took was fairly comprehensive but also a fairly fair one.

I just want to go through a couple of figures that people should have an opportunity to find out about. I'm just going to go through this document, if you can bear with me. For example, social assistance: In the province of Alberta, the social welfare benefits were cut to social service recipients by a fairly significant number; \$150 million is a lot of money for that province.

I know that there are some people out there who would say, "Well, good, we should do that to that group of

people." But let's be very clear: People who are on social assistance today, by and large, are there because of the economy or the recession. Social assistance programs were put in place in order to deal with trying to provide some level of income to people in a time of need.

Health care spending, for an example: One of the issues that we talked about here in the province that we're still talking about today is changes that we've made as a government here in Ontario in regard to the northern travel grant, where we're now just paying to the closest referring specialist rather than just paying outright for anybody to go where they want.

Changes that we made to the Ontario drug benefit program: When we look at what happened in Alberta and a number of other provinces, almost every province dealt with the drug benefit program by reducing services to the people that it represents. What we did, in contrary, we said, "Rather than doing that, let's look at the drugs themselves, and let's look at what we can afford to pay in regard to generic drugs." If you have five drugs on the counter, or behind the counter in the prescription, and they all do the same thing and one is less expensive than the others, to pay for the less expensive drug is the decision that we took.

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In the size of the civil service, another interesting point is that in Alberta, for an example, they reduced the civil service by 7.8% overall. That's people who packed their bags and left. The government is saying it no longer has any jobs for them. What we tried to do in this province was to try to avert that by saying, "Listen, maybe we can get into an agreement with our unions in regard to coming to terms through a social contract and looking at ways of doing some job sharing." To a certain extent I would admit it was an extremely difficult process.

Mr Hope: Absolutely.

Mr Bisson: Absolutely a difficult process, because it had never been done before. Nobody has ever been asked on the part of employers going to their employees in the way that we did and said, let the unions and the workers come together and try to share in some of the decision-making. Unfortunately, some of the unions couldn't bring themselves to deal with that because of a whole bunch of reasons, including some public sector employees, as my colleague says. But overall we've been able to achieve that—yes, by fail-safe, and I know that's distasteful to many union people, but at least we were able to protect some jobs in the public sector by doing that.

If you look at Alberta, what it basically did was announce 7.8% of the entire civil service is being put out the door.

On the question of privatization, they're privatizing the Alberta registries, which is basically where you get various types of certificates within the government, something that obviously this member and this government would not stand for. That is private information that we'd want to keep where it is as well, privatizing what we know as the LCBO.

When you compare what's happening in Ontario to other provinces, Mr Speaker, it's quite interesting. I'll

turn the page for an example and take a look at the province of Manitoba.

The province of Manitoba, for an example, reduced the size of its civil service by about 500 people, not a large number to take a look at when you look at it on the surface, but when you look at the size of the civil service of Manitoba compared to Ontario, you can take that number and multiply it probably by about 10, so that you'd be looking at about 5,000 people being put out the door in the province of Ontario.

On top of that, they reduced the overall work week for provincial employees by one day and reduced the salaries by 3.8%—no say on the part of the employees. The employees were not asked in any way, shape or form, to come to the table to try to come to terms. What they basically did was say, "We're going to lay off a number of civil service employees and what we're going to do is we're going to cut your salaries and we'll give you days off." No consultation.

Mr Hope: That's about 9%.

Mr Bisson: About 9%. What we tried to do in this province was to turn around and say, let's try to find a better way. It wasn't perfect in the end. It was a difficult process, I think, for everybody to deal with, but at least it was fairer. Less people have gone out the door.

I want to bring this point, in regard to health, a meeting that I had recently within my riding; as a matter of fact, last Friday. I met with hospital administrators from a Highway 11 group, which is basically Kapuskasing, Smooth Rock Falls, Cochrane, Timmins, Iroquois Falls, Matheson, in Timmins.

A number of hospital administrators came from those hospitals and we met in Timmins last week for about three hours to talk about some of the health care issues affecting institutions in northeastern Ontario and the area that I represent and the member for Cochrane North, Mr Len Wood, represents, in order to be able to talk about some of the difficulties that they're having and how we can, as members—my colleague the member for Cochrane North and myself—assist them in being able to deal with some of the difficulties they have.

The interesting point of that discussion was I asked each of those hospital administrators to report to me the effects of the social contract and the effects of the expenditure control plan, how it affected their operations as far as hospitals are concerned. What they reported to me by and large was it had not negatively affected the services that they deliver to the public. We managed, through that process, to cut about 10% to 15% of costs within the administration of those hospitals and did it in such a way that it didn't affect adversely the health care available to those communities.

I want to be fair about this. There were some difficulties in Matheson and there were some difficulties in Timmins. Timmins is going through a process where it has amalgamated two hospitals together to open up a brand-new Timmins District Hospital, and there are a number of other issues that are mixed in with that in opening up the new hospital. But when it comes to the social contract and expenditure control plan, some of the

stuff is mixed up with the merger of the two hospitals. It's quite a complex issue that, as a matter of fact, the United Steelworkers and the hospital board and ourselves are working with in order to try to come to some terms with how we deal with that difficult problem.

Mr Hope: The United Steelworkers is a union, right?

Mr Bisson: The United Steelworkers of America is the union that represents the workers within that particular hospital.

I would say, in the case of Matheson, one of the problems that it got into is that the majority, about 60%, of their employees were under the LICO number, which meant to say that the amount of the money that the employer was able to get in regard to the contribution on the part of employees over \$30,000 was quite reduced, so they ended up over there, I think, with what worked out to be about two full-time people losing their jobs overall.

They didn't actually lose their jobs, but they did reduce their working week from 40 hours to 30 or 28—not something that's desirable but, I would say, in comparison to what happened in Manitoba and British Columbia, a heck of a lot more humane, a heck of a lot easier not only when it comes to the people we serve, the public, but for the people who work in those institutions.

I want to say to those people quite directly: Yes, it has been difficult, yes, it's been hard and, yes, it's been pretty darned trying along the way. But we've managed in this province to achieve something that nobody else has been able to achieve, to try to find a way to reduce overall costs within government, at the same time maintaining services of the people we serve and to the workforce we employ. It has been difficult but, by and large, we have achieved that. Has it been perfect? No. Have there been some people who have lost their jobs in the province of Ontario? Yes. There are a number of employees who have been surplus.

But fortunately, for an example, at the Timmins and District Hospital, they were surplus basically, I think it was, 20 to 25 RNs. What they've ended up doing because of a number of approaches that they took within that hospital—it looks at this point where maybe two RNs overall will be in a position of losing their jobs. That's not necessarily because of the social contract, I want to say again, that is a question of amalgamation of those two particular hospitals together, their efficiencies in having one hospital compared to operating two.

I'd like to also turn the page and take a look at what happened on the tax side. The government was criticized in regard to the approach we took on raising revenue on the tax side. They did the same thing in the province of Manitoba and then somewhat in spades. The gasoline taxes were increased, payroll taxes were increased, the provincial sales tax in a number of provinces were also increased.

I want to raise the issue that the member from Etobicoke raised, which is the question of a change in accounting methods. I would like to point out that a number of provinces—and he's quite correct. I've got to say one thing for the member from Etobicoke: On this issue, he's been somewhat fairminded about this.

Mr Hope: That's a matter of opinion about fair-mindedness.

Mr Bisson: The member raises the point about the auditor general in the province of Ontario saying that basically we should report all of our debt together. We actually do that. When you look at the budget book at the end of the year, debt is counted for capital and operating and it's totalled within the budget books—quite easy to find out what the total debt is. But I want to make a point: The province of New Brunswick, the province of Manitoba, the province of Alberta and a number of maritime provinces have all changed their accounting methods. We were one of the last ones to do it. If it's good enough for them, basically maybe we should be looking at what they're doing.

Basically, what we're doing is what any corporation does. It says operating expenditures are one thing and capital expenditures are another, and you separate those on your books so that you don't mix the two together. There are some accounting reasons why you do that. What you do is total up the number at the end and it still comes out to the same amount of money when it comes to overall operating and overall deficit.

I want to just go through quickly now—I'm looking at the province of New Brunswick—a number of things they did there. Municipal transfers were reduced to those particular municipalities within the province of New Brunswick. No consultation whatever with the municipalities—they just went out and did it. At least in the expenditure control plan what we did when it came to reduction in transfers is we said we need to take a look at each of those programs and we need to assure ourselves that whatever we do in reduction on transfers within individual programs is done in a way that is not going to negatively affect services, or at least not affect programs that are very needed in this time of recession. Overall, that's been done.

The cost of the prescription drug program was reduced overall, which meant to say they cut benefits to the people they serve. In New Brunswick again, the reduction in the civil service, first of all, they had laid off 1,300 civil service employees there, then they did 500 on top of that. What they ended up doing is they put altogether about 1,800 employees out of the civil service in New Brunswick. I would point out, the total budget of the province of New Brunswick is \$3.9 billion. Their GDP is \$13.9 billion and they put 1,800 people out of work. That would be like us in Ontario throwing 30,000 or 40,000 civil servants out of work.

So when I look at the brothers and sisters within the labour movement of Ontario—and I understand their frustration, pointing their fingers at me and members of this government or, as the member for St Catharines, Mr Bradley, likes to talk about, the heroes and the traitors—we at least took an approach by which we're able to protect some services and jobs within the province of Ontario. Again, I say I understand the difficulty, but let's put it into proper context.

Again, in New Brunswick, 23 agencies were eliminated, which meant to say all the people who worked in those agencies lost their jobs, on top of the 1,800.

Mr Hope: Pink slips.

Mr Bisson: Pink slips were issued, exactly, to over 2,000 employees just there alone. On the tax side it was much the same story. Tax allowances were decreased in regard to what you can get back and taxes overall were increased.

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We take a look at Newfoundland and Labrador; my God, the story there is much the same. That was a Liberal province, I think, the last time I checked. Basically, again a reduction overall in expenditures on the part of the government, willy-nilly just slashing and burning; a 3% reduction in operating was reduced overall, overall reduction in gross capital expenditures. At a time when we should be investing in our infrastructure, that particular province and a number of others have reduced their capital infrastructure.

The cost of social assistance: again no increases in regard to social assistance premiums, and I understand that, but let's be somewhat fairminded. When I hear the Liberal members across the way accusing this government of not supporting people in their need, I ask them to look in their own backyards, to their own governments and other provinces. What they've done is far more draconian than this government ever thought about doing, quite frankly.

The really interesting one I've got here is in the province of Quebec. When you look at what they did in Quebec and Nova Scotia, again two Liberal governments, it's unbelievable: 5% in Nova Scotia in regard to overall operating reductions: a 3% reduction in operating in the first year, 2% the second year, 5% overall. Public sector employees basically were given five days off. Basically you're laid off for five days; you don't have a say. At least under the social contract we try to come to some accommodation, where there are some tradeoffs for those days, and employees have a greater say within their workplace in regard to how government is run.

Health care expenditures are cut, education operational grants are cut again, taxes increased, everything from gasoline taxes to income tax to personal sales tax are up. It's quite a telling story when you look at the document. Again, we need to put all of this in context.

Prince Edward Island: Accounting changes, when it comes to how they dealt with capital and how they dealt with operating, the same thing that was done in Ontario.

The point I would make, I can go through this document page by page.

Mr Hope: This is not a political document though, is it?

Mr Bisson: No. This is a document that is done by legislative research within the province of Ontario, non-partisan, looking at basically a comparison, budget by budget, what happens across Canada. The point I want to make again is a very simple one: Yes, there are some difficult times that we've had to deal with in the province of Ontario, like everywhere else in this country—

Mr Hope: But it's because of the reductions from the federal—let's face it, the feds owe us \$5 billion.

Mr Bisson: The member makes a good point. We've

only lost over \$5 billion in transfers from the federal government, but we won't mention that because I can't in this debate. But the point is that we've tried and we continue to work with our partners within the province of Ontario in order to find ways of running our ministries and running our programs more effectively so that we maintain the services necessary to the people of the province of Ontario. At the same time, we're keeping an eye on the cost in regard to those programs overall.

Is it an easy process? No, it's a very difficult process. Is it a process that we in government enjoy going through? Of course not. I'd rather be in government handing out cheques. There's no points for me in going out and saying, "Listen, we need to negotiate a social contract" or we've got to do whatever when it comes to the drug benefit program, or whatever the changes might be.

But there are changes none the less that have to be done, and I think when you compare what we've done in this province to what's happened in other provinces, it's quite a record to be proud of I think in regard to what we did. With that, I will finish my turn in debate and cede the floor to the members opposite.

The Speaker: I thank the honourable member for Cochrane South for his contribution to the debate on concurrence and invite any further debate.

Mr Conway: I'd like to take the time available to me tonight to address a couple of the concurrences contained in the order of business before us. I'd like to begin with the concurrence in supply for the Ministry of Natural Resources.

The county that I am privileged to represent, a substantial portion of Renfrew, is one where quite frankly the imperial authority of government is vested in the Department of Lands and Forests, more recently called the Ministry of Natural Resources. If you live in much of Renfrew county, I've got to tell you the government that really counts is the Ministry of Natural Resources. There are few municipal, provincial or federal authorities or mandates that impinge on your daily life quite like the Ministry of Natural Resources.

I want tonight to convey a growing concern, frustration and anger that are found among more and more of my constituency in so far as the policy and operations of the Ministry of Natural Resources are concerned.

Last Saturday, for six hours, we had in the city of Pembroke, sponsored by the county of Renfrew, what was called a summit on resource issues, land use issues. Three subjects were foremost in that debate: the whole question of the creation of a new wilderness zone in Algonquin Park, the ongoing issue of the Algonquin land claim throughout all of the Ottawa Valley, and the third issue was the so-called Madawaska Highlands issue that has been brought forward by the Ministry of Natural Resources.

Some 200 people were gathered, mostly by invitation, at that conference in Pembroke. If I could summarize the attitude of that conference, it would be simply that the people there, and many not there, are mad as hell and they are not going to take it much longer. I don't mean

to be indelicate, but I do want to take an opportunity tonight to convey to this House the very, very serious frustration and anger around a number of these controversial and contentious resource issues.

I want to say on behalf of the people at that conference, and many not there, that I recognize the sensitivity of some of these issues. I recognize that there is no unanimity of opinion, certainly, on any one of these questions.

I want to say to the Minister of Natural Resources, who I understand can't be here tonight, and I don't complain about that, that we have now in my part of eastern Ontario a whole series of issues. I have named three of them that were debated on Saturday: the land claim, which is important and which I do hope is resolved in the interests both of first nations and the non-native community; the whole question of the Madawaska highlands and what we need to do or what should be done to protect the areas of significant scientific and natural interest; and the question of the creation of a substantial new wilderness zone on the eastern half of Algonquin Park. I could add to that the implications of the Sewell commission on rural Ontario and I could add to that a number of other questions.

I might add another MNR issue, and it won't sound like very much. I'll add two more: the wolf policy that the ministry has just announced for western Renfrew county, particularly affecting the townships of Hagarty, Burns and Richards. You might say, "What the hell is Conway over there talking about wolves for at 11:20?" Because out in my part of eastern Ontario, that's what the government is talking about, and boy, has it got the attention of hunters and farmers and trappers and just about every resident in that area of Round Lake, Killaloe and Barry's Bay. I'll tell you, we might come here to talk about the macro questions of finance and international trade, but I'll be in west Renfrew county tomorrow night and I expect to be roasted at a meeting about wolves.

I heard my friend the minister on the radio last week decrying the decision of the National Transportation Agency and the Canadian Pacific and Canadian National railroad companies to amalgamate their rail lines through the Ottawa Valley, to abandon the CP line through the Ottawa Valley and run all the traffic over the CN line, which means it will all run through the eastern part of Algonquin Park. The Minister of Natural Resources is very concerned about the impact of that rail decision on wildlife in Algonquin.

I can understand some of that concern, but the people I represent in the main say: "What about us? What about we the people who pay the taxes, pay the freight, worry about our jobs, are concerned about our kids and their future, are concerned about the economic integrity of small resource towns like Killaloe and Round Lake and Barry's Bay and bigger centres like Pembroke and Mattawa?" What about the future of these towns and villages and rural hamlets where the unemployment rate today in some cases is at or above 30%?

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We hear the minister worrying about protecting wolves. We hear the Minister of Natural Resources

worrying about deer that might be run over by a train in Algonquin Park. But we don't hear the minister, we seldom hear the ministry, worrying about our jobs, our resource-based jobs in the lumber industry. If you create the kind of wilderness zone you want in Algonquin, it will have a huge impact. The union representatives from Canada Veneers in Pembroke said to us on Saturday that if you create that wilderness zone in the eastern half of Algonquin Park it is going to cost hundreds of badly needed forestry jobs in places like Pembroke, at a time when we've got unemployment of the magnitude that I mentioned earlier.

The union leadership eloquently said on Saturday, "Is nobody at Queen's Park worrying about us, about me?" "Yes, we have to protect the wolves, yes, we have to be concerned about deer, but does anybody care about me?" said the union leadership on Saturday from Canada Veneers, and they asked a bloody good question.

If I seem exercised and if I seem frustrated, I want to tell you, those people from union and management in that badly, badly stressed lumber resource sector in the Ottawa Valley are really, really stressed themselves. When I look at the MNR mandate in my county and when I see the issue of the wilderness zone, when I see the issue of the Madawaska Highlands, when I see the question of the land claim, there is no doubt that those policies are going to have a very real impact on the amount of harvestable timber in that watershed, and we have a crisis already.

That is not to say that the people at the Renfrew county economic summit on Saturday want no action. They want fairness and justice for native and non-native alike, but they want some sense that the policy-makers in government, in the Legislature, in the bureaucracy, are going to make some balanced decisions in the public interest. They want some recognition that too much of this policy at the present time in these critical areas of land use and resource policy, at least in my part of eastern Ontario, are being driven by highly focused, rather narrow special interests that are being listened to to an extent that many people I represent feel is unreasonable and is producing bad policy.

I want to stand here tonight and tell the government and tell my colleagues that not all of these issues have developed in just the past three years. Some of the people at the meeting on Saturday rightly pointed the finger at previous governments, and I accept the criticism. I've been around this debate myself for over 20 years and I have a great deal of respect for a number of the environmental groups, but when I heard Howard Hampton on the radio on Saturday morning on the CBC and I heard his concern about the rail decision affecting the eastern half of Algonquin Park, I heard the Algonquin Wildlands League speaking, and so did most of my constituents.

What the men and women who work at facilities like Canada Veneers want to start hearing is the Minister of Natural Resources and a Legislature and a Parliament speaking with some regard to their interests as well. Let me say again that the overwhelming impression and frustration articulated at the Saturday meeting in Pembroke on these resource issues was, "We are sick and

tired of these critical and sensitive and job-destroying decisions being made at Queen's Park by people who represent too narrow and too special a vested interest."

It is time, my constituents are saying, that we in government and in the opposition take a broader view, a better view, of the public interest and recognize that if we do what the government seems determined to do, create the big new wilderness zone, proceed with the Madawaska Highlands policy, settle the Algonquin land claim, that we are going to be withdrawing from the public domain very substantial parts of the resource base that employs thousands of people in communities like the ones I mentioned and others, like Palmer Rapids and Whitney, for whose people there are no alternatives, in the main, other than unemployment insurance and social welfare. I want to say to the Ministry of Natural Resources and to the minister that people's patience is beginning to wear thin, if not wear out entirely.

I'm not going to trouble you with details of the various presentations that were made on Saturday in this respect, but I have to tell you that tomorrow night I will be at—I've been summoned to a meeting in Barry's Bay to give an accounting of the government's position on wolves, and I'm telling you, I just expect to be fried. I'm going to be standing in front of these farmers and these hunters who are facing some of the toughest times they have faced since their parents survived the Depression, and just about every government program that federal and provincial and municipal governments offer them these days is being cut back or cut out because we have—

Interjection.

Mr Conway: Just a little time allocation discussion. I'm sorry.

Mr Hope: Caucus meeting, right?

Mr Conway: Well, I think there's some question. I think my time will take me very close to midnight. I'm prepared to either adjourn the debate and defer to the Conservatives—do you want to take a moment to talk about that now? I mean, it's late. I intend to use the full amount of my time, which takes me up to, what, about 10 to 12?

Interjection.

Mr Conway: I'll go until I complete at quarter to 12, and we can adjourn or somebody can get up. I'm easy.

The Speaker: The honourable member has approximately 17 minutes of his allocated time remaining.

Mr Conway: I can't now remember where I was in the midst of this.

Mr Hope: Cutbacks.

Mr Conway: That's correct. Thank you very much, I say to the member from Chatham.

These people I will confront tomorrow night, my constituents, good people, are faced with a whole series of program cuts in agriculture and a variety of other areas, because they're told—and they understand to a substantial extent the problems the government faces. But now they're being told that there is going to be imposed on their rural community a ban on any trapping or hunting of wolves over a period of the winter months

because a professor—a good fellow, I gather—at the University of Waterloo, Professor John Theberge, who advises the government on the wolf question, is concerned about certain problems associated with the migratory wolf packs that move out of Algonquin Park into that part of Renfrew county.

There's no doubt that the wolf packs in Algonquin Park are very healthy, from everything I hear, and the farmers and the others in communities like Round Lake and Killaloe and Barry's Bay and Brudenell tell me that most of their evidence, anecdotal as it is, but pretty reliable anecdotal evidence, suggests that the wolf packs are doing very well, thank you very much, outside of the park as well. But because Dr Theberge's study packs are having some problems, this ban has been imposed almost without notice and without any real consultation, effective, I think it is, December 1.

Then, as I say, on the weekend they hear that the Minister of Natural Resources is really upset because the federal rail companies have decided to run their trains on one track through the eastern half of Algonquin Park over the CN line, and that is going to perhaps affect some of the wildlife and some of the recreational opportunities in that part of east Algonquin Park. And every bloody one who hears that knows what Howard Hampton doesn't seem to know: that if every damn railroad in the country ran its every train over that track, there'd be less traffic over the CN lines through the eastern portion of Algonquin Park in 1993 than was being run over that track 10 years ago by the CNR alone, because we all know in those parts of rural Ontario and rural Canada what's happening to rail volumes. I want to repeat the fact, for Howard Hampton's benefit, that when the CP and the CN consolidate their lines and run all of their traffic over the CN line that goes through the eastern portion of Algonquin Park, there will be less train traffic with both companies running on that line in 1993 than the CN traffic alone probably was five or 10 years ago.

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The other thing people I represent wonder is that we hear the Minister of Natural Resources worried about recreational opportunities in Algonquin, and I suppose he should. He's worried about the fact that maybe some wildlife might be interfered with in the train corridor, and that's, I suppose, a worry. But they say to me: "Does anybody down there worry about the people who get killed when those trains run through highly populated corridors in cities like Pembroke and towns like Petawawa? Do we ever hear that in the debate?" No. That's because that's not part of the mandate of the Algonquin Wildlands League. They are a special vested interest with a very narrow focus. I understand that; that's their job.

But what about the men and women and the boys and girls who get injured and killed on those rail crossings near Cobden, Pembroke, Petawawa? We had a terrible spill there 10 years ago and we're bloody lucky that we didn't have a Mississauga-like catastrophe. But you see, if you don't run the trains through the CN line in Algonquin and perhaps prejudice some campers and some deer, you have to run those trains on the only other alternative, because a third option, to run them through

some celestial corridor, does not exist. The only option is running those trains over the CP line, right through the heart of the most populated areas of Renfrew county. That is a decision that would prejudice the lives and the health and safety of people.

Mr Hope: Isn't that going to cut real access down?

Mr Conway: Listen, I'm just simply saying that we have got ministers of the crown, articulating public policies to the people affected, sounding sound very much like paid advertisements for certain special interests.

Mr Bisson: That was when you were Minister of Mines.

Mr Conway: I want to say to the member from Cochrane and to anyone else that the time I think has come for us all to understand that there is a broader public interest.

Mr Sutherland: No kidding.

Mr Conway: As the member for Oxford says, "No kidding." The people I represent aren't looking for miracles. They understand the art and the nature and the requirement of compromise. But I'm telling you and I'm telling the Minister of Natural Resources that if there are not some changes made around the number of issues currently boiling on the resource stove in the Ottawa valley, there is going to be trouble. Some of the initiatives that the government will want to see successfully completed will be severely impaired, if not completely pushed off the table.

I want to be very serious about that, because when we look at—and I know the problems in government. God, we did it, we did our share of it. You get so busy with so many different items of the mandate, often different aspects of the departmental mandate, that there is no one, least of all the minister—because she/he is just too busy standing back and saying, "What does this all add up to?" I'll tell you, the wilderness zone in Algonquin Park, the Madawaska Highlands issue, the Sewell commission's recommendation about planning in rural Ontario are adding up quickly to a very, very fluid and delicate and I think dangerous situation.

There is a very real linkage between a number of these issues. As I said earlier, and I will repeat again, if the government is successful in imposing the kind of highlands trust it seems to want, if the wilderness zone is created, those men and women from Local 2000 of the Carpenters and Joiners union who said in Pembroke on Saturday that hundreds of jobs will be lost are right, and there isn't a knowledgeable or thoughtful observer of the community scene in Pembroke and area who would not agree with them.

Do you know what? Some of the special interests that will push this government to particular parts of this mandate won't be there. They are not going to be there to give an accounting of that stewardship. The people who are going to be there are going to be people like Frances Lankin, Floyd Laughren, Bob Mackenzie and Conway, the local member. We're the ones who are going to have to give an accounting. I'm going to be there tomorrow night and I can hear the debate already

about wolves. The professor won't be there. Oh no, he's not going to be there; I'm going to be there.

You know, all politics is local. Tomorrow night, every farmer I represent in that part of that county is going to say, "You just tell me about this wolf ban again, because everything we see here tells us X and government policy is going to mandate negative X." I'm going to get to stand there and try to explain that, try to justify that.

We wonder sometimes why we've got a sceptical electorate. We wonder why people who hear us say our number one concern is jobs, jobs, jobs—

Mr Bisson: That was the Tories.

Mr Conway: Pardon me?

Mr Bisson: That was Brian.

Mr Conway: That's all of us, and I don't think there's anybody who disagrees with me on that. Our concern for jobs has led all of us into some of the most interesting policies, callisthenics, imaginable. I never thought I'd live to see the day when a social democratic government in this province would so happily, so publicly embrace gaming as a way of creating jobs, jobs, jobs. But, lo and behold, I live in an Ontario where that has happened.

But I'm just telling you that in the resource communities I represent there are jobs, jobs, jobs on the line because of provincial government policy. That policy is adding up to significant economic trouble which is, as I said earlier, going to cost jobs in those little places. When you go to Round Lake Centre, you're talking about a hamlet of 300 to 400 people. Virtually everybody there is dependent on the forest economy, and the ones who aren't in the forestry industry are farming or doing some mix of both.

I just wanted to take an opportunity tonight, and the earliest opportunity I could get following upon the discussions on Saturday, because we had a very interesting group of people. Some people opposite will know Mr Frank Dottori, who was there, the chief operating officer of the Tembec resource company. He made a very strong pitch about the importance of community action in this respect.

We saw a number of people from outside of the area. One gentleman came from a citizens group on Vancouver Island, Share BC I think it was called, to tell the local

residents how they might ban together as a community. Because, you see, the frustration for a lot of the regular, ordinary people I represent is they don't belong to the Algonquin Wildlands League, they don't belong to the Federation of Ontario Naturalists, they don't belong to any organized lobby that spends its time and its money on the doorstep of ministers and members here at Queen's Park. The people who were there at that meeting, in the main, were men and women who work in small or medium-sized resource companies who have to worry and spend all of their time thinking about doing and keeping their job.

As I say, they are extremely frustrated at the appearance and, I must say, the reality that altogether too much of this public policy in this resource area is being driven by, is being made by, is being developed for some very narrow special interests—good people; I have known some of these people for a long time—but I'll tell you they are a special interest. The government and the Minister of Natural Resources would do very well to stop and take account of what people, including those representatives from Local 2000 of the Carpenters and Joiners union, were saying on Saturday, that if this policy is not slowed down, scaled back, some priorities decided upon and some other issues put off the table, there is not only going to be a significant economic impact with real job losses, but there is going to be a burning heather that is going to consume perhaps more than just a few government policies.

With that I will conclude my remarks.

Mrs Marland: Although I do have quite a lot to contribute to this debate, in light of the time shown on the clock I will move adjournment of the debate.

The Speaker: The member for Mississauga South moves adjournment of the debate. Is it the pleasure of the House that the motion carries? Carried.

Hon Shelley Martel (Minister of Northern Development and Mines): I would move the adjournment of the House.

The Speaker: The Minister of Northern Development and Mines moves adjournment of the House. Is it the pleasure of the House that the motion carry? Carried. This House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2342.

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Honourable David Warner

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Claude L. DesRosiers

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et dans le numéro du premier lundi de chaque mois. Par contre, une liste des circonscriptions inscrites dans un ordre alphabétique et comprenant les responsabilités ministérielles paraît tous les lundis suivants.

Wednesday 8 December 1993

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

SUPPLY MANAGEMENT OF FARM COMMODITIES

Mrs Joan M. Fawcett (Northumberland): I rise in the House today to reaffirm our party's commitment to agriculture in this province and indeed our country.

Right now at the GATT talks our farmers are being threatened by the loss of marketing boards. We are caught in the crossfire of an international trade war, and our farmers need to be protected.

Our marketing board organizations do not contribute to the oversupply of agricultural products which has depressed international markets and led to the current focus of debate at the GATT talks. Our producers should not be penalized for a problem they did not create.

This morning I talked to Lyle Vancief, the recently appointed parliamentary secretary to the Minister of Agriculture, who told me that he will make every effort to not let other countries dismantle our agricultural industry and assured me that our farmers will not be abandoned.

Our leader, Lyn McLeod, in a letter dated November 24 to the Prime Minister of Canada has reaffirmed our party's ongoing commitment to the agrifood industry and asked that he personally intervene on our farmers' behalf. I too echo those sentiments and personally call on my friend Jean Chrétien to intervene.

Now, more than ever, we must pull together to protect our province's second-leading industry, one that produces over \$5 billion worth of food products.

As my good friend former Minister of Agriculture Eugene Whelan has said on many occasions, quoting Plato, "When the land lies fallow, all other forms of life shall perish."

BAR ASSOCIATION AWARDS

Mr Charles Harnick (Willowdale): On Friday, December 2, the Canadian Bar Association—Ontario announced the 1993 CBAO awards for distinguished service. This year's recipients are Mr Donald R. Cameron QC, Mr John R. Campbell QC and Ms Linda Silver Dranoff.

Mr Donald R. Cameron QC has made an outstanding contribution to the legal profession through his work in continuing legal education. Mr Cameron has been active in the continuing legal education committee of the CBAO for over a decade. He served as chair of the annual institute on continuing legal education in 1982-83 and was chair of the main continuing legal education committee from 1984 to 1987.

Mr John R. Campbell QC has made an exceptional contribution to the legal profession as a founding member of the Ontario bar alcoholism program and the Canadian legal profession assistance program. Mr Campbell has been active in the area of rehabilitation and recovery from alcoholism for over 16 years.

Ms Linda Silver Dranoff has been prominent in the CBAO through her promotion of the need for reform in women's legal and community issues. Most recently, Ms Dranoff assisted in the formation of a section within the CBAO entitled the feminist legal analysis section, which was established to focus on law reform from a feminist perspective.

On behalf of the Legislative Assembly of Ontario, I would like to congratulate this year's recipients and thank them for their contributions to the legal profession and to the people of Ontario.

EVENTS IN MIDDLESEX

Mrs Irene Mathysen (Middlesex): The spirit of Christmas, of sharing and of remembering that we all have a part to play to make our communities caring and welcoming places to live is alive and well in the riding of Middlesex.

This past weekend I attended the Christmas open house sponsored by the Strathroy and Area Association for Community Living and by ACCESS, the adult community centre for educational support services of Strathroy. The fortunate residents of Strathroy and area were invited to the ACCESS facility on Industrial Road. The grades 1 and 2 students of John Calvin School had helped to decorate the building in festive Christmas style.

Visitors were invited to make crafts, sing Christmas songs, whisper their wishes in Santa's ear, have a picture taken with Santa, eat hot dogs and build their own ice cream sundaes. I helped out at the build-your-own sundae table, guiding aficionados of the ice cream treats to the chocolate fudge, caramel, strawberry, peanut, maraschino cherry and whipped cream toppings.

Needless to say, the enthusiasm of participants was most gratifying and the folks of Strathroy rose to the occasion.

Thanks to Pat Walker, Sherri Kroll, community living board members, the Strathroy community itself, as well as the staffs and clients of Community Living and ACCESS. Your care and devotion represent the very best spirit of the Christmas season.

PUBLIC SERVICE AND LABOUR RELATIONS REFORM

Mr Murray J. Elston (Bruce): I rise today to speak about an issue of equity. The whole point of the Crown Employees Collective Bargaining Act amendments which are now being brought forward in the Legislative Assembly is to give some sense of, I understand, a more reasonable organization around the public service. In that regard, several professions have received special consideration to be allowed to practise and to organize under their own professions and are not required to become members of any particular union.

In that regard, the veterinarians who are employed by the public service—and there are, I understand, some 60 of them—are asking for the same treatment that other professionals are given. The veterinarian profession is, as we all know, a self-regulating profession and recognized as such under legislation in this province.

One of the constituents in my area who is employed as a veterinarian has said he is not opposed to being treated the same as all other professionals, but he believes it is an inappropriate way to treat the veterinarians in this province to require them to belong to a non-professional group while other professionals are in fact allowed to organize their own self-regulated professions.

I agree with this person. I think the veterinarians should either be allowed to become part of their own self-regulated organization within the Ontario public service or all professions should be treated the same way.

SCHOOL ACCOMMODATION

Mr Ted Arnott (Wellington): My statement today is addressed to the Minister of Education and Training. In early November, the Wellington County Board of Education and the Wellington County Roman Catholic Separate School Board submitted their 1994 capital expenditure multi-year forecasts to the Ministry of Education. In other words, they submitted their applications for provincial grants for new school construction.

In Wellington county there is a real need for new schools and additions to our existing schools because of the considerable increase in population over the past few years in the county. The submissions from the two boards include growth and non-growth priorities.

At the top of the Wellington county public board's growth list is a 110-pupil-place addition for Centre Peel Public School in Peel township. The board's non-growth top priority is a 71-pupil-place addition to Salem Public School in the township of Nichol.

The Wellington county Roman Catholic school board's top priority is an expansion of the classroom space for St Joseph school in Fergus. The construction of six portables as freestanding units is needed to alleviate a serious overcrowding problem. The board's non-growth top priority is the need for improvements to outdoor facilities for Our Lady of Lourdes school in Guelph, which many Wellington residents attend.

From this brief summary, it's evident that the need for improvements to school infrastructure in Wellington county is every bit as great as other areas of the province. There are too many portables in the county and this situation simply must be addressed.

I urge the Minister of Education to carefully review and give serious, positive consideration to the multi-year forecast needs of the Wellington county boards.

1340

ANTI-TOBACCO LEGISLATION

Mr Derek Fletcher (Guelph): Last week, Dr Doug Kittle, the medical officer of health at the Wellington-Dufferin-Guelph health unit, lobbied me about the proposed tobacco legislation.

The Addiction Research Foundation reports a 50% increase in the proportion of grade 7 students who smoke. Our local health unit surveyed two area schools where the number of youths under 18 smoking exceeded the provincial average of 22%. In one school 35% of students under the age of 18 were smoking, and at the other school 23% were smoking before the age of 18.

Parents were concerned that their children would be

exposed to smoking earlier when one of the high schools also incorporated the grades 7 and 8 classes. Studies show that the majority of youth who experiment with smoking start in earnest probably within two or three years and then they are hooked by the age of 15. Many students told their health unit that they bought their cigarettes from local retailers. Despite the fact that 35% of Wellington pharmacies voluntarily do not sell cigarettes, cigarettes are easily available to youth.

The health unit also found, and this is significant, that 40% of these students who smoked wanted to quit and wanted help to quit.

Dr Kittle tells me that education is not enough. He points out many examples where legislation combined with education has ensured greater benefits: seatbelt legislation, stiffer penalties for impaired driving, childhood immunization. It's easier to help kids stay smoke-free than to help them quit after. That's what this legislation is all about.

DEVELOPMENT IN RENFREW COUNTY

Mr Sean G. Conway (Renfrew North): Last Saturday in the city of Pembroke in the heart of the county of Renfrew, some 200 people gathered together under the auspices of the economic development committee of our county to attend what was billed as an issues summit looking at a number of very contentious land use and resource controversies that are currently before the communities of the upper Ottawa Valley. As I indicated to the House last night, the mood and the temperature of that meeting was, from my point of view and I'm certainly sure from the point of view of the Ministry of Natural Resources, a real concern.

It is obvious that loggers and farmers and small business people, men and women, young and old, who depend on their economic livelihood for and from the resource base in that part of the province are feeling very, very threatened by a variety of resource policies that are being pursued by the current government.

There is a sense in my part of eastern Ontario that the current government, and particularly the imperial authorities of the Ministry of Natural Resources, are more worried about the health and safety of deer, moose and wolves in places like Round Lake, Killaloe and Pembroke than they are about the jobs of people who are working and paying taxes in those communities.

The message from that issues summit in Pembroke last Saturday: "Government, stop and listen. You are developing policies that are being driven by narrow special interests that are not in the general public interest where everyone's concern is about jobs and economic growth."

ONTARIO DRUG BENEFIT PLAN

Mr Jim Wilson (Simcoe West): I rise on behalf of pharmacists and seniors from across Ontario to note that the government has finally come to its senses and will withdraw its severe and heavy-handed Bill 81.

I'm certainly pleased to see the government finally listening to the concerns that have been raised by me and my caucus colleagues concerning this dangerous bill and the impact that it would have on pharmacists and seniors.

The government's decision not to charge user fees to

seniors for prescription drugs is also a recognition of what our caucus has been saying about the issue of user fees. User fees currently exist in our health care system and are being applied by Liberal and NDP governments in a random fashion without regard for the individual's ability to absorb the cost. Because we already have hundreds of millions of dollars of user fees in our health care system, what is needed is an open, extensive public discussion about what role user fees should play and are playing in our current health care system.

I was glad to see the government finally listen to the Ontario Progressive Conservative Party and to seniors from all across this province, who believe the government should stop adding user fees in an ad hoc fashion, stop lying to the people of the province about this particular issue and come clean on the issue of user fees.

SAFE HAVEN FOR CHILDREN

Mr David Winninger (London South): I rise in the House today to share a story of help and compassion, a true story which took place recently in my riding of London South.

Four Bosnian children arrived in London on November 22 to receive medical treatment at Victoria Hospital/Children's Hospital of Western Ontario. These children would not have been able to receive care in the former Yugoslavia, now war-ravaged Bosnia-Herzegovina, due to existing conditions.

Over a year ago a group of individuals in London saw the news reports of brutal war acts against children in Bosnia. They formed a humanitarian, interfaith, multicultural organization of Canadians citizens called Safe Haven for Children to set up a temporary haven for these children until it is safe for them to return. Safe Haven is based on a fostering parent plan in which each host family, screened by a team of professional social workers, agrees to provide a loving, caring home.

Dr Jonathan Kronich of Victoria Children's Hospital provided a special kind of help to Safe Haven by offering to bring their hope to get medical care for these children before the hospital board of directors. Safe Haven's concerns and goals were discussed, a task force was formed, and physicians volunteered their time to treat the children. Now, after 18 months, the effort has proved successful: Six-month-old Haris, three-year-old Lejla, five-year-old Danita and 13-year-old Amir will be the first to receive medical treatment in London.

I laud the good work of every individual involved in this project.

VISITORS

The Speaker (Hon David Warner): I invite all members to join me in welcoming to our chamber this afternoon, and seated in the Speaker's gallery, a visiting delegation from the consulate of the United States of America, headed by the consul general, Mr George Kennedy. Please welcome our special guests.

STATEMENTS BY THE MINISTRY AND RESPONSES

CORPORATE MINIMUM TAX

Hon Floyd Laughren (Minister of Finance): Later this afternoon, I will table a bill entitled the Corporations

Tax Amendment Act. With this legislation, we are acting on a promise made in the budget that I presented last May. At that time we pledged that large profitable firms in Ontario will pay at least some minimum amount of corporate income tax.

Today's legislation accomplishes what we set out to do. It helps to ensure tax fairness, the cornerstone of our tax policies. At the same time, it acknowledges the important role of the private sector, particularly small businesses, in Ontario's growth. Our corporate minimum tax will stop big, profitable companies from taking advantage of tax preferences to the point where they pay little or no corporate income tax.

We have designed the tax so that it will not hamper the current recovery, discourage investment in our future or impair Ontario's tax competitiveness. I should note here that the United States imposes a more onerous and complex minimum tax on corporations.

I would like to outline briefly to the House how our tax will work:

First, it applies only to large firms, those with assets of more than \$5 million or gross revenues of more than \$10 million a year. This means, right at the outset, that small businesses, in fact about 90% of the businesses in this province, will not even have to calculate or file the tax.

Second, it targets only those large firms that are profitable but are able to use various tax preferences to reduce or eliminate their corporate income tax. We are asking these firms to pay a minimum amount of corporate income tax.

The tax will be phased in over three years, starting in 1994. Transitional measures, including this phase-in, are being provided to give relief to firms which are just returning to profitability after the recession.

In addition, in recognition of the cyclical nature of business, corporate minimum tax paid in one year can be credited against future corporate income taxes. Further, losses related to the tax can be carried forward for up to 10 years.

In outlining this tax in the budget, we asked for feedback on its technical aspects. One of the messages we heard clearly in our consultations was that the requirement to file audited statements would add to the cost of complying with the corporate minimum tax. As a result, we have dropped the audit requirement. This will make it easier and less expensive for firms to comply.

This legislation represents an important balance between the need for fairness for all taxpayers and the need to maintain tax incentives that encourage new investment and help to create jobs.

1350

With this corporate minimum tax, we are achieving this balance. We are ensuring that large corporations pay their fair share, which reduces the burden on other taxpayers, whether they are small businesses or individual workers. It is our tax system, after all, that provides us with the health care, education, training, roads and public transit that benefit all members of our society.

Mr Gerry Phillips (Scarborough-Agincourt): I would like to respond to the Minister of Finance's

statement and suggest that, I think, as we look at the bill, it does run the risk of doing more harm than good. I realize the political optics of it may be good, but in terms of good public policy I suggest time will tell on that, Minister of Finance.

Let's be clear on what we're dealing with here. As the Fair Tax Commission report points out, why are corporations not paying taxes? Why would you think? The reason profitable companies are not paying taxes is solely because of government programs, such as capital costs allowances, R&D allowances, programs that the government brings in and says to corporations, "Please participate in these things because they are good public policy."

Corporations around the province do participate in them and then, as they participate in them, find that by taking advantage of programs introduced by the government, suddenly they're not paying taxes. What we're doing now is introducing a corporate minimum tax. Let's be very clear about it; I think the public must understand why the corporations aren't paying taxes. It is because of government programs designed by the government to get corporations to do things the government feels are in the best interests of the public.

What we're going to do, and let's be also very clear about this—13,000 companies in this province now will be required to fill out forms, to go through the whole corporate minimum tax exercise, to do all of the bureaucracy associated with that for one reason: so the government can claw back money it already gave them. The minister himself points that out.

What are we doing here? We're chasing our tail. The rest of the world is getting on with running the economy and competing successfully and we're just running around chasing our tail. We introduce a program and say, "Apply for it." They apply for it. Suddenly we've introduced another tax to get the money back. Something's wrong.

The Fair Tax Commission's report, \$9 million and three years later, is coming out when? Next week. The Fair Tax Commission points out that there is about \$4 billion of what's called "tax incentives." Incentives, I guess the minister would call them: tax expenditures, programs that the government, the taxpayers, pay money for corporations to participate in. As a matter of fact, I think many economists would suggest, as the Fair Tax Commission itself suggests, that the solution to this isn't a minimum tax. It is dealing with those tax expenditures.

But no, we are going to put 13,000 companies through this exercise January 1. We're going to put them through that exercise when the Fair Tax Commission's report, you taxpayers out there who have spent \$9 million on it, is coming out next week—one week from today, I think, or one week from tomorrow. Yet here we are proceeding with a minimum tax piece of legislation.

As I say, the politics and the optics may be good on this because everybody wants those welfare corporate bums to pay their share of the taxes, but what we've done is we've told them: "Get involved in these programs. We want you to be involved in capital cost allowance and depreciation." As a matter of fact, the Finance minister's own budgets proposed these things. They did, and now we're going to set up a whole bureaucracy; 13,000

companies will go through an enormous exercise to claw back the money the government gave them.

The second thing is, the minister says this doesn't affect small business. That's not the fact: 20% of companies in this province with between five and 19 employees will be hit by this tax. Where are the jobs coming from? I recall Premier Rae saying it's small business that will create the jobs. We've all heard that. Who will be hit by the corporate minimum tax? Twenty per cent of the companies with under 20 employees, between five and 20 employees, will be hit by this.

Here we are spending our time sending our tax auditors out after those 13,000 companies that have taken advantage of the programs we told them to take advantage of, while the rest of the world is out competing and taking our business.

As I say, I understand the optics of a corporate minimum tax. As a matter of fact, I suspect 80% or 90% of the people watching this say, "Yes, I'm for a corporate minimum tax." Indeed, it sounds great, but as we get involved in this thing, I will suggest it will do more harm than good, unfortunately.

Mr W. Donald Cousens (Markham): The master of doublespeak is the Minister of Finance. You go through the press release and the statement you've made: soft, lovely, sweet-sounding, syrupy words, and they stink. They really do.

"We are acting on a promise made in the budget." That's one promise we didn't want you to keep. "It helps to ensure tax fairness." There isn't any tax that's fair, Floyd. They're all bad. You say tax fairness "will not hamper the current economy." The economy is in such sick shape, I can't see you doing a thing to help it.

"It applies only to large firms." Oh, that's great for you guys. If you can go after the big fellows, you'll feel bigger, because you're so small as it is now. Beat up the big ones. "It targets only those large firms that are profitable." That's something the New Democrats have really tried to do. If you want to have a small company, buy a big one. It will get small, because you're taxed to death by the New Democrats.

These are the words of your press release: "to help create jobs." I can't believe it. You put right in the statement that you're going to create jobs with another tax. That's an impossibility. What you're really doing is taxing the big companies out of business. This, Minister of Finance, is the wrong time to be levying any more taxes. The people of Ontario have hit the tax wall. We can't afford to keep paying you guys. Don't do it to us.

Hon Allan Pilkey (Minister without Portfolio in Municipal Affairs): That's it. Hit the little guy.

The Speaker (Hon David Warner): Order, the member for Oshawa.

Mr Cousens: The people out there are trying to get the economy going again, and the moment they do, there's going to be Pink Floyd putting his hand in their deep pocket, trying to take some more taxes away from them. This is the thin edge of the wedge.

During the election campaign, in the Agenda for People, the New Democrats talked about an 8% tax like

this. They haven't come in with 8% right now, but they have said it's 2% now, 3% in 1995, 4% in 1996. What they haven't said is that it's going to be another percentage point in 1997, 1998, 1999. By the year 2000, it's going to be up to 8%. It's just going to keep on going. Once you start a tax like this, it just keeps on growing until we're like the United States, where it's at 12%. Starting off really small now, it's just going to build.

We're the only jurisdiction in Canada that has done this, so again we're going to cause people to celebrate in Halifax, Quebec City and out west, because Ontario is now the place that businesses, where they're already trying to get established, are going to emigrate from. They're going to move out of this province and settle somewhere else. Why should they stay here and be taxed to death by the socialist government of Bob Rae?

I think what you've really done is made an ideological position with this. It's a \$100-million tax grab. What it is is a sop to the left wing of your party. What you're really trying to do is say to the people who have supported you in the past, who probably won't support you in the future—yes, left-wing Floyd is trying to support the people over to the left of his party—“Hey, at least we're out getting some money for the government from the big guys, those who made a profit”—that evil word “profit.” “We're going to take some money out of them. The corporate minimum tax allows us to do that.”

You as a government say, “We're going to build jobs in Ontario.” What you're doing with another tax is eliminating jobs. Every tax dollar has a way of eroding jobs and the ability for companies to create new jobs.

Why don't you start collecting some of the taxes that are already out there? We've been on the committee on finance and economic affairs. People, through the underground economy, are generating \$1 million a night down in some of the places near Cornwall. That's just three months' business for those guys. Why don't you come out there and start doing the job you've already been given? But in the meantime, you have a way of explaining and justifying another tax for the people of Ontario.

I oppose it. Our party will oppose it. We see it as another offence of the New Democratic government, where you stand up with all the sweet-sounding words that you're doing us a favour by having another tax. Let's face it: It is not the time to keep taxing the people of Ontario. We've had it with your taxes. People are fed up with a government that doesn't even know how to administer the functions of government right now. But in order to keep things going, here you are raising another \$100 million over the next couple of years with this one.

I just am so disgusted at the way Ontario's starting to look. You're just ruining it for the next guy, you're ruining it for the—

The Speaker: The member's time has expired.

1400

ORAL QUESTIONS EXPENDITURE CONTROL

Mr Charles Beer (York North): My question is for the Minister of Finance and it concerns his expenditure control plan. For the first time publicly, this morning we

learned that you were starting on round 2 of the expenditure control plan. Colleges and universities have been informed that they will be cut by at least \$34 million.

In responding to the concerns about these cuts on the radio this morning, the Minister of Education and Training admitted, confessed indeed, that this new round had begun and the implications were clear that there would be further cuts for municipalities, for social agencies, for school boards and for hospitals.

The minister went on to say, “I think that all of us have reluctance to start talking about multi-year because then that appears that there are absolute floor guarantees of what transfer payments will be.” Surely, I say to the Minister of Finance, we want our transfer payment agencies to know what those transfers are going to be and that the planning process is one that is open and honest.

You, Minister, are responsible for the expenditure control plan. My question to you is, what is your hidden agenda? What is it you're planning to do for colleges, universities, municipalities, social service agencies and school boards? What are you trying to hide? When are you going to introduce clearly what cuts you're planning for all of those other sectors?

Hon Floyd Laughren (Minister of Finance): Perhaps I should begin by assuring the member for York North that there is no hidden agenda. That is really an assertion that's without foundation entirely.

I think it's a fair question the member asked. Last spring, we went through the exercise of trying to find \$4 billion in expenditure savings this year and to make sure it was not just a one-year exercise, because that would just create a bulge in the balloon and come back to haunt us in year 2, year 3 and year 4 and so forth.

What we did was engage in an exercise in which we were able to identify \$4 billion in savings in committed expenditures for the year in which we are now, 1993-94, but I think the member would appreciate the fact that it's virtually impossible to be precise and pinpoint every expenditure as you go out in subsequent years.

What we did was lay out the details, ministry by ministry, for all the expenditure reductions for 1993-94 without doing the same for the subsequent years. That really would have been a very daunting exercise indeed. But it is encouraging to hear the member for York North assert his party's position that we should be letting those expenditures go up.

Mr Beer: I say to the Minister of Finance very clearly: You are the government. You are the ones who are working with the transfer payment agencies and you've got to work with them in a way that people understand what is going to happen, particularly in these difficult times. The great concern out there, expressed this morning by officials in colleges and universities throughout the province, but also by those who have to head up hospitals and school boards and other transfer payment agencies, is that they don't know exactly and precisely what you are doing. I want to say to the minister I'm glad there's no hidden agenda.

My second question is very simple: Will funding to municipalities for next year be cut? Will funding to

hospitals be cut? Will funding to school boards be cut? If there is no hidden agenda, then are you prepared to stand in your place today and make the commitment that your transfer payment agencies are going to receive at least the same level of funding as last year? If you can't make that commitment, then will you tell us today how many additional millions of dollars you are intending to chop?

Hon Mr Laughren: I want to make one thing perfectly clear, because the member for York North is the Education critic for his caucus. The Minister of Education for the government did have meetings with the educational sector. A memo went out to them detailing exactly what expenditures they could expect to be reduced. As well, when the universities prepared their tuition proposals to the government, they factored in those reductions. There's no surprise for the post-secondary sector here.

For the other part of the member's supplementary question, he asked whether or not I will provide a guarantee that there will be absolutely no cuts in any of the transfers. I would say to him that he could be very helpful if, first of all, he would guarantee that his friend Paul Martin will assure that there will be absolutely no cuts in transfers to the province of Ontario. That would be very helpful.

Mr Beer: Again, I simply say to the Minister of Finance that he is responsible for the finances of this province and that's why the question is being directed to him on this issue. What the transfer payment partners don't understand and what they're still trying to figure out is precisely how to implement the midterm cuts that you announced last April. There is still a great deal of confusion out there about exactly what it is that you wanted done and how it was to be done.

The second problem is that we are now in December, and it is at the 11th hour, as they finalize their budgets for next year, that they learn from the minister of colleges and universities, bingo, no \$34 million. So everyone else is very nervous and very worried.

You justify your silence by saying that you're afraid your finances might be worse than you expect. Minister, everybody knows that your finances are going to be worse than you expect. This whole exercise quite frankly has been transparently dishonest, because you're treating colleges, universities, municipalities, hospitals, school boards and social agencies like mushrooms: You keep them in the dark and you feed them a load.

My question, Minister, is simply this: Why are you again making these decisions behind closed doors, without consultation? How can your transfer partners plan their budgets when they frankly don't know what or how much you're going to cut for next year?

Hon Mr Laughren: The member for York North, when he talks about mushrooms, left out one of the parts of that famous expression about how mushrooms are treated and encouraged to grow, and that's what the member for York North is doing to me. I would tell the member that there was absolutely no element of bingo for the colleges and the universities. They were told that information months ago by the minister of colleges and universities and education. It's not a great surprise to them; they were not being kept in the dark.

With regard to the other transfer agencies—the municipalities, the school boards, the hospitals and so forth—that announcement will be made in a regular way in due course. We're not trying to stall that any longer than is absolutely necessary. But I do find it regrettable that the member for York North finds irrelevant the level to which we receive our fair share of funding from the federal government. I can only assume that he will be there lobbying with the rest of us to make sure that Ontario, unlike in recent years, will start to get its fair share from the taxes that we turn over to the federal government.

1410

LANDFILL

Mr Steven Offer (Mississauga North): I have a question to the Minister of Municipal Affairs. Minister, I've been provided with a copy of a document which has been produced by the Ministry of Environment and Energy. It's entitled The Environmental Assessment Proposal: A Guideline for Public Sector Waste Management Planning. Basically, this document is a blueprint for getting landfills approved.

I'm referring to page 38 of the document, where it states, "In combination with the systematic site selection approach, proponents may choose to undertake a willing host siting approach." It goes on to say, "For a municipal proponent, a willing host site is defined as a site where the owner is willing to sell their property for the purpose of landfill development and the host municipality is supportive of the proposal."

Minister, I can see that the previous Minister of the Environment is whispering to you at this very moment. As you must be aware, this is totally inconsistent in principle with Bill 143. My question very simply is this: Can a municipality, such as for instance Kirkland Lake, stand as a willing host for waste, for garbage from municipalities located outside the GTA?

Hon Ed Philip (Minister of Municipal Affairs): I'm not familiar with the document or the page the member is reading from. I'm not the Minister of Environment. I'm sure the Minister of Environment would be glad to provide an answer. But if the member would follow the normal courtesy of opposition, which is to provide the document from which he's reading, maybe we could give him an answer.

Mr Offer: By way of normal courtesy, this document was provided to me. It is not a private document; it is a public document. It is and was and has been devised by your government since February 1993, almost one year ago.

However you wish to term it, the inconsistencies are glaring. On one hand you have Ruth Grier, I think just a few seconds ago, as well as Bob Rae and Bud Wildman, telling Durham, Peel and Metro to forget about looking at willing hosts; it's not allowed. On the other hand, this document, your government's draft document tells municipalities located outside of the GTA that it's okay to ship their garbage to a willing host. From this document, three conditions are necessary: firstly, that all sites must meet the screening criteria; secondly, that the

willing host sites are compared to other sites; and, thirdly, which is the problem with Bill 143, that the most environmentally acceptable site is chosen. What's the difference between waste from municipalities located outside the GTA and waste from those located within it?

Hon Mr Philip: We have said fairly clearly that if Kirkland Lake or any other municipality wants to go through a full environmental assessment the same way as any other site or the three sites in the selected municipalities selected by the IWA are going through, it can do so.

Interjections.

The Speaker (Hon David Warner): Order, the member for Halton Centre.

Hon Mr Philip: There is nothing preventing Metro or Kirkland Lake or any other municipality from going through the full OMB environmental assessment process. I'm sure that can be accommodated, and indeed the IWA has said so.

Mr Offer: That response is absolutely ridiculous, because your own Bill 143 says these municipalities outside the GTA can go through an EA hearing, they can spend all the money, and if at the end of the hearing it's decided that they are the safest environmentally to accept garbage, your government isn't going to accept it.

The question is, will you now change the policy? There was a press conference today. The mayors—Vic Power from Timmins, Stan Lawlor from North Bay, Joe Mavrinac from Kirkland Lake—as well as representatives from the CAW and the Transportation Communications union came to this place, came to Queen's Park and said, "Change your policy." Will you today change the policy and say to those people that municipalities outside of the GTA which want to stand as willing hosts that if their site is chosen and is the best and safest environmentally, you will in fact as a government accept the decision of an environment assessment board?

Hon Mr Philip: My colleagues who have been elected in the north have said very, very clearly that the north does not want to accept southern Ontario's garbage, in the same way that the people of Durham said they didn't want the Liberals to follow through with their policy of putting Metro's garbage in Durham, and that's what the Liberal government was doing.

As for economic development, let me just say this to Joe Mavrinac and to the people of Kirkland Lake: No government has done more for economic development of that community than this government has. Since we were elected, we have put \$16,051,466 into the economic development and infrastructure of that community. We have nothing to hide from and everything to be proud of in terms of Kirkland Lake and northern Ontario.

Mr David Johnson (Don Mills): My question again is to the Minister of Municipal Affairs.

Interjections.

The Speaker: Order. Would the member take his seat, please.

The member for Don Mills.

Mr David Johnson: Mr Minister, your government has accomplished the impossible. It has united the

province of Ontario. It has brought together northern Ontario and southern Ontario, rural Ontario and urban Ontario, environmentalists and engineers, entrepreneurs and labour. They want you not just to allow the Kirkland Lake site to go through the environmental process, but for you to include the environmental assessment under the Interim Waste Authority so that it has a fair chance.

They're very frustrated. The mayor of Kirkland Lake today has called for the resignation of the Minister of Northern Development, he is so frustrated. He has termed this Interim Waste Authority process the worst meddling in his 35 years in politics.

My question to you: If you won't take action to help the environment in Caledon, Vaughan and Pickering, if you won't take action to help the economy in northern Ontario, will you at least allow this environmental assessment through the Interim Waste Authority process for the sake of the political future of your own party?

Hon Mr Philip: The decision not to ship Metro's garbage out of Metro into northern Ontario was endorsed by environmental groups.

Mr Chris Stockwell (Etobicoke West): It's been thrown out of Metro, Ed. It's going to York. Holy smoke.

The Speaker: Order, the member for Etobicoke West.

Hon Mr Philip: It was endorsed by a great number of groups who saw that the 3Rs method of dealing with garbage was the correct and environmentally responsible method, and that you don't pawn off your problems by shipping them out to someone else.

Interjections.

The Speaker: Order. Would the minister take his seat, please.

Minister?

Hon Mr Philip: The decision not to ship garbage from southern Ontario to northern Ontario was a cabinet decision; it was not the decision of the Minister of Northern Development. But I can tell you, Mr Speaker, that the honourable member, who obviously is just newly elected and isn't aware of what this government has done for northern Ontario—

Interjections.

The Speaker: Order.

Hon Mr Philip: Let me tell you that the Minister of Northern Development has done more for the people of northern Ontario than any previous minister and she has the complete support of this cabinet and the Premier.

1420

Mr David Johnson: I may not have all the answers to all the problems, as the minister obviously does, even though the rest of the province doesn't agree with him, but one thing I know, and I wonder if the minister does: Does the minister know what happens in Seattle, Washington? In Seattle, they have the best recycling and waste recovery process in the whole of the United States; 40% waste is recycled or diverted. What do they do with their waste in Seattle? The waste that is left over, they transport 325 miles to Gilliam county, just as the mayors of Timmins—

Interjections.

The Speaker: Would the member take his seat.

Interjections.

The Speaker: Neither the intemperate language nor the volume is assisting any of us in being able to conduct a normal question period. I would ask members on the government side to listen to the question posed, and members on the opposition side to listen to the response provided. The member for Don Mills, please place his question.

Mr David Johnson: What I know and what the mayors of Timmins, North Bay and Kirkland Lake know is that it works in the United States. What they also know is that there will be jobs created, 287 permanent jobs, that there will be considerable assistance to the Ontario Northland Railway, that there will be construction jobs. They know this will be good for the economy of northern Ontario. They ask you, Mr Minister, why do you continue to refuse these economic benefits to northern Ontario, a region that needs jobs and needs economic growth?

Hon Mr Philip: The member points out that Seattle is recycling 40% of its garbage. In fact, we think that is the real economic benefit, to develop the green industries to recycle, to reuse. That is what the previous minister was doing and the present Minister of the Environment is in fact doing, along with the Minister of Economic Development and Trade, developing industries that can be exportable, new technologies in terms of recycling and reusing.

That is the program. Indeed, the environmentalists are telling us that we can reach an 80% recycling and reusing. We think we can beat Seattle. All we have to do is have the will and the kinds of policies that this government has enacted and that the previous governments completely ignored.

Mr David Johnson: It's interesting that the labour movement does not agree with the minister. I thought this morning that the most poignant aspect of the press conference was when the labour representative spoke. I refer to Debbie Graham, representing the Transportation Communications union. She spoke of families and people and real jobs: 287 jobs. I refer to Craig Kemp of the Canadian Auto Workers, Local 103, who said there will be no winner in the present IWA process. He said that in the region of York the site will never be prepared.

The mayor of Kirkland Lake has called on you and the cabinet to either allow the environmental assessment through the Interim Waste Authority so that it has a fair chance, a fair and equal chance through the Interim Waste Authority, or to admit that there is another agenda. That other agenda is one driven by ideology, one that is not for people, one that is not for job creation.

The Speaker: Could the member place a question, please.

Mr David Johnson: My question, Mr Speaker: Minister, will you admit today that the Adams mine site makes sense to consider, but that your refusal is because your government thinks that it's not a politically correct site?

Hon Mr Philip: In the first instance, the member is wrong when he says that the union movement has not

agreed with us. In fact, CUPE, which is the largest municipal union, has been cooperating very closely with us. Indeed, the Canadian Food and Allied Workers have been working very closely with the Minister of Environment and Energy on a number of programs that will reduce and recycle garbage. So to say that the union movement is not working with this government and supporting what this government is doing in its garbage policy and its garbage reduction policy is simply wrong and the member should get his facts straight.

As for whether or not we want to move to a completely privatized system, which is what the member is suggesting, the answer is no. We don't think that would be in the interest of the taxpayers. It certainly wouldn't be in the interest of the workers. It would not be in the interest of the environmentalists. And the answer is no, definitely no, to his question.

WORKERS' COMPENSATION BOARD

Mr Chris Stockwell (Etobicoke West): My question is to the Minister of Labour. Today in the Toronto Star the head of the Workers' Compensation Board said that he intends to hold "public consultations" on, believe it or not, expanding WCB coverage to approximately 30% of businesses not covered in Ontario.

Mr Minister, given the already fragile state of Ontario's economy and given the current mess of the WCB that we hear about in daily reports, will you immediately put a stop to any discussions of this policy that is nothing more, in my opinion, than strictly a cash grab? This is fantasy, any expansion of the WCB, considering the absolute mess this particular government agency is in.

Hon Bob Mackenzie (Minister of Labour): To begin with, I don't accept the "absolute mess" comment that's made across the way. I am sure that one of the jobs of the Workers' Compensation Board is to look at areas that may need the coverage. In almost every other coverage in North America, the financial institutions are covered. But I want to tell you that the board won't make that decision; this government will make that decision if it has to be made. One of the jobs of the board, as it did when it came to lung cancer, asbestosis or many other areas that were not covered, is to first go through an extensive consultation process, and that's exactly what it's doing.

Mr Stockwell: If you won't buy "absolute mess," maybe we can agree on a phrase that everyone will accept, like "complete screwup"—I don't know; what the heck—"the fiasco"—

Mrs Margaret Marland (Mississauga South): "Chaos."

Mr Stockwell:—"chaos," "the black hole," "the cash pit." Pick any of the above.

Mr Noble Villeneuve (S-D-G & East Grenville): "The swamp."

Mr Stockwell: Everybody who has looked at this particular proposal has come to at least one conclusion, and that conclusion is that any assessed increased expansion of WCB will accomplish one thing for sure, and that is kill jobs.

I have a copy of a report done by the management working group of the Premier's own Labour-Management

Advisory Committee. These are the Premier's people. This report says, and I quote:

"Coverage of currently exempt industries"—and I want the minister to listen very carefully—"may have a negative financial impact on the Ontario economy."

Mr Minister, if this is what your handpicked group of people are saying, would you agree that Mr Di Santo should not even be talking about a policy of expansion at the swamp, let alone an implementation of expansion?

Hon Mr Mackenzie: The comments I'm hearing from across the way are one of the reasons I've tuned out that member for almost the last year every time he gets up in the House.

I want to tell you also that the Workers' Compensation Board has the responsibility for looking after injured workers when they're injured on the job in the province of Ontario, and I'm wondering what the members across the way want. Do they want us to do away with the board and go back to the old having to sue or go to court before a worker could be covered? That's absolutely ridiculous. What we've got to do is take the current board and make darned sure it can do the best job possible for workers without having to revert back to the provision of having to sue before you get coverage.

Mr Stockwell: This minister has tuned out 90% of the province. He doesn't listen to reason. You refuse to listen to the reasonable positions that are being put forward by the business community with the expansion of WCB. I'm not talking about going back and suing in the old days. The WCB's in place as it is. No one's suggesting that's the case, and for you to make that allegation is nothing more than a red herring, trying to cover up for the absolutely inept job you are doing at the Labour ministry.

1430

Why don't you answer a question instead of getting back to your labour-management confrontational attitudes when it comes to real problems that are on the table? The business community is saying, given the current mess at the WCB—if you don't think a \$13-billion unfunded liability is a mess, then I'd like to know what you think is a mess—it is ludicrous for the chair to talk about any expansion of coverage.

Instead of desperately grabbing for even more money from Ontario business and costing Ontario business jobs, Minister, will you immediately place a moratorium on all new coverage policies of the WCB and for once deal in reality and give the businesses of this province a break?

Hon Bob Mackenzie: I don't know how long it takes to get through, but we've had a freeze on the assessments for two years. We currently have an increase, which the members obviously don't like, of 4%; that's the average across the board. We have some 50,000 companies where their assessment is going down, not going up; we have some companies where it's going up. And the assessments are based on their accident record; in other words, if you've got a bad record when it comes to accidents in your place of business, you're likely to see an increase in the assessment rates.

Is the member across the way telling us that he doesn't believe in that kind of fair approach?

ONTARIO HYDRO

Mr Murray J. Elston (Bruce): I have a question to the Deputy Premier concerning Ontario Hydro. In light of the fact that we know there has been considerable expense to Hydro in its transition program in retiring, with severances, over 6,000 people, plus understanding that a big write-down of its assets has also cost it considerable money, and in light of the fact that in 1993 the net income is not going to pay off the debt, which is statutorily required to be retired, and that in 1994 a reduced income will likewise not enable these people to retire the debt, which is required of them, can the Deputy Premier advise whether the government is bringing forward amendments to the Power Corporation Act and whether the government has authorized or will be authorizing Ontario Hydro to proceed with injecting new equity into Ontario Hydro through employee purchases, through federal or municipal funding of some manner or another, or by the selling off of certain assets of this public corporation?

Hon Floyd Laughren (Deputy Premier): There's a lot in that question.

The board of Ontario Hydro is looking at a variety of ways in which it can get its financial house back in order. I think the member opposite would appreciate the fact that there are problems with their finances. At the present time the government has received no proposal from Ontario Hydro to do any of the things which he suggests; at least, to my knowledge, there's been nothing that's come to the government.

Certainly the government has been sending as strong signals as possible, both the Minister of Environment and Energy and the Premier, and I will repeat it again today, that we are not interested in privatizing Ontario Hydro. At the same time, there is an opportunity, I think, for Ontario Hydro to engage in some joint ventures, whether it's the generation of hydro on the supply side, or, on the conservation side, to engage in joint ventures to accomplish those goals. But at this point there's no intention to do what the member is suggesting in his question.

Mr Elston: I would like to know if the Deputy Premier of this government believes it is appropriate for the rate stabilization fund, which used to be at one point C\$6 billion, to be completely eroded, in fact perhaps put into a deficit position in breach of the Ontario Power Corporation Act; whether he thinks it is appropriate, therefore, to make special arrangements that will allow those steps to take place to help to stabilize the Ontario Hydro corporation and whether or not he is in favour of perhaps offering Hydro shares to the public as a public equity offering and whether he considers that to be a partial privatization of Ontario Hydro.

Hon Mr Laughren: To answer the last part first, yes, that would be a partial privatization of Hydro, in my view, and I wouldn't support that, no.

As well, it's my understanding that the Hydro board is indeed looking at some kind of merger of the rate stabilization fund and the statutory debt retirement fund, but I don't know what it's going to recommend to us on that. There are some changes, particularly as regards the statutory debt retirement fund, that I believe would

require amendments to the Power Corporation Act, so that would have to be considered before any such step was taken by Ontario Hydro. We would have to wait and see what recommendations come to the government from Hydro, and I certainly haven't seen anything like that at this point.

CORRECTIONAL FACILITIES

Mrs Margaret Marland (Mississauga South): My question is for the Minister of Correctional Services. Yesterday, Minister, when asked about the auditor's findings that Ontario jails are the most expensive in Canada to run, you said: "...when we look at the newer facilities...the efficiencies and cost per diems are lower than the average. It's the higher cost and loss of efficiency in the older institutions which I suggest skews the overall numbers in the report."

Let me remind the minister of a situation I raised with you last spring. The addition to the Mimico Correctional Centre, one of the new facilities that should be much more efficient to run, was supposed to open a year ago. This facility cost the taxpayers of this province \$6 million to build. It is complete, but due to the serious security flaws in the jail bars, locks and other hardware, the facility is still not open, although the staff was hired and then had to be laid off. Ontario's taxpayers are paying to light and heat this building which sits empty.

Minister, why is it taking so long to open this new facility?

Hon David Christopherson (Minister of Correctional Services): I believe the honourable member will find—if it hasn't already happened, certainly the decision has been taken—that 60 of the beds in that facility indeed will be opening up, and we are now taking a look at the timing for the remaining beds.

Let me also say that in light of the other findings of the auditor's report in terms of the issue she has raised about older institutions and newer institutions and regionalization, we want to factor in the recommendations and issues he has mentioned when we take a look at the issue of the timing of opening the remainder of the beds.

Mrs Marland: There are several other provincial facilities that have been investigated over the security hardware that was supplied by the same company that I brought up in connection with the Mimico centre. The other facilities are the Maplehurst Correctional Centre in Milton, the jails in Stratford and Windsor, the Northern Treatment Centre in Sault Ste Marie, and several others, including the OPP buildings in Downsview, Peterborough, Belleville and Perth, and the courthouses in Oshawa and the East Mall in Etobicoke.

I realize, if you don't, Minister, that this is a very serious matter. We actually have a situation where substandard locks were rebuilt and then the contractor added Chubb security labels to them, although they were not a Chubb security product.

I would like to know, Minister, when you are going to have a police investigation of this matter. In the meantime, can you assure the people who work and live in the communities close to these facilities that in fact all of those facilities are safe and secure?

Hon Mr Christopherson: I think I heard three questions; I'll try to touch on all three very briefly.

First and foremost, yes, I can give the member the assurance that these facilities are secure, and as I said yesterday in my comments, that will remain a priority and we will continue to take whatever steps are always necessary when there's a question of the safety of inmates, staff or the public.

Second, there was an ongoing investigation, as I think the Chair of Management Board has mentioned before, the status of which, whether or not that has been completed, we would have to be in touch with the OPP about. I don't make decisions on the beginning and ending of investigations, but I think we can get that information or at least ensure that the right person can be directed to the member.

Last, let me just say on the issue of the grille work that the honourable member really is mixing apples and oranges. On the one hand we're talking about the efficiency and the operational ability of older facilities to be as cost-efficient as newer facilities. The issue the honourable member raises is one of construction and an issue around materials and work done by contractors, which, as the member knows, is also the responsibility of the Chair of Management Board. But that really does not bear any direct relationship to the issues mentioned in the auditor's report at all.

1440

LONG-TERM CARE

Mr Gary Wilson (Kingston and The Islands): My question is to the Minister of Health and has to do with the redirection of long-term care, specifically multiservice agencies. Many long-term care providers in my riding of Kingston and The Islands have talked to me about this important initiative. In September this year the Minister of Health released a blueprint for multiservice agencies that will provide one-step access to long-term care services for residents of Ontario. What is the Minister of Health doing to ensure that the proposed multiservice agencies blueprint will be flexible enough to meet specific local communities' needs?

Hon Ruth Grier (Minister of Health): I think that question goes to the heart of our long-term care policy, which is to take a patchwork of fragmented programs and design from them a system.

What we heard very clearly from people during the extensive consultation that took place under a number of ministers was that consumers wanted a system that was fair, that was accessible, that was close to home and accountable to the people it served. That's why we asked the district health councils to do the planning in the various communities, because they didn't want it to be government-run and they didn't want it to be a cookie-cutter approach from Queen's Park telling one region of the province how it ought to be run in their community.

With respect to the member's own area, I can tell him that I'm aware that the district health council is working collaboratively with the community-based agencies and with the public health unit to ensure that the plan for that area is built on the very best of what already exists, that

the administration is streamlined and that there is a labour adjustment program to make sure the transition is smooth. I think we will have a consensus from both consumers and providers about the type of MSAs that indeed have the kind of flexibility the member is calling for.

Mr Gary Wilson: The question also has been raised about the role of for-profit agencies providing long-term care services. There is concern in my riding about the employment of workers currently in the profit-making health care sector. I'd like to know what the minister is doing to address this concern.

Hon Mrs Grier: My colleague will know that this government has announced that we have a preference for a not-for-profit approach in the health care sector, and at the time we made that decision with respect to home care we indicated that we wanted to ensure that government-funded health care dollars went into the community-based and volunteer component of the delivery system.

We provided our long-term care offices with a plan for rationalizing the system over time, and we've recognized that in some areas of the province the transition will take longer than in others. We believe that the development of long-term care is a growth industry in this province and that there will be a considerable number of new jobs provided, and we believe that the funding from the province should go into the delivery of services and the improvement of services, not into the profits of the various agencies concerned.

Mrs Barbara Sullivan (Halton Centre): My question is to the Minister of Health and it also relates to long-term care issues. Ever since your government took office you've promised residents of nursing homes that money provided by the ministry to those homes would be based on levels of care, that it would be equivalent to the funding which is provided to residents of homes for the aged and would ensure that the resources are provided based on the actual nursing and personal care needs of residents in each facility.

Assessments of every resident have been made to measure what those actual needs are, but those assessments are sitting on a shelf. I'm asking you why you've changed your mind about providing levels-of-care funding to meet the individual needs of long-term care residents.

Hon Mrs Grier: I haven't changed my mind. In fact, levels-of-care funding and the case mix index of the various homes are the whole basis for our funding of long-term care facilities under Bill 101.

Mrs Sullivan: That's precisely the point. We passed Bill 101 and it received royal assent on June 1 of this year. I have that document here.

I also have a document here which is a letter sent by the minister on November 22 to Julie Davis, the secretary-treasurer of the Ontario Federation of Labour, and to Ina Caissey of the Ontario Nurses' Association in the aftermath of the implementation of the social contract bill. It indicates quite clearly in this letter that the government is in fact not implementing levels-of-care funding but is reverting to the old formula-based, minimum hours of care provided. The minister is telling the

OFL that she will seek changes to the regulations. Now, those regulations being under Bill 101, she doesn't have to follow that law. What do you have to say to those residents now about this change in your direction?

Hon Mrs Grier: What I have to say is the member is quite simply wrong. Under Bill 101, levels-of-care funding is what will be implemented. With respect to that, what had to happen next were contracts that laid out very clearly the level of care for individual patients.

In the interim, what we found was that in some homes, in the absence of having reached the stage of having designed those contracts, homes were withdrawing care from patients because in fact the rules had changed. Many people were complaining to me and to my members that the care was deteriorating and in fact the employment was changing because nurses were being laid off and replaced with other workers.

In an endeavour to make sure that until the contracts that finally implement Bill 101 were in place, no resident of a long-term care or nursing home in this province was going to suffer with less care than they had had before or that they were entitled to under our reform.

EASTERN ONTARIO ISSUES SUMMIT

Mr Leo Jordan (Lanark-Renfrew): My question is for the Minister of Natural Resources. I will expect a very informative answer, because he's been well briefed on this question. My colleague from Renfrew North already has briefed him through a statement this afternoon in the House.

However, Minister, as you are now very well aware, the Eastern Ontario Issues Summit was held in Pembroke on Saturday, December 4, and 175 delegates attended this summit. They paid \$20 each to cover the cost of the hall and other related costs for that meeting.

An empty chair sat at the front with the Ministry of Natural Resources marked on it and it sat there vacant. I ask you, Minister, when this was called for the three most important resource issues in eastern Ontario, namely, the Madawaska highlands, the Algonquin natives' land issue and the new wilderness zone outside of Algonquin Park—those three main issues are of real concern to the people in the Ottawa Valley, and they planned on your being there. Can you tell this House and tell those people why you were not there and why you didn't think it important enough to send a representative?

Hon Howard Hampton (Minister of Natural Resources): I appreciate that the member wants to present an issue with some bombast in the House. I think it would be only proper to make sure that the member is fully informed of exactly who was there.

In fact, from the Ministry of Natural Resources, the manager of planning for the central region of Ontario was there; the district manager of Pembroke was there; the district manager for Algonquin Park was there and the person we have created a new position for, as adviser to the wood products industry in eastern Ontario, was also there. It's quite inaccurate to say no one was there from the Ministry of Natural Resources. People were there.

Interjections.

The Speaker (Hon David Warner): Order.

Hon Mr Hampton: Mr Speaker, I'd like to answer the question. If the Conservatives don't want the answer—the reality is that I received an invitation from the warden of the county only two weeks before the meeting was held. I told the warden at that time that my schedule had been booked up for some months. To attend that meeting on very short notice, I would have had to cancel meetings with other groups and organizations.

I would say through the member to the county warden that if he wants someone to attend a meeting like that, it is better that someone receive more than two weeks' notice. But certainly don't say that no one was there. In fact, four very highly placed members of the Ministry of Natural Resources staff were there and were available to discuss with people there all of the issues.

1450

Mr Jordan: Mr Minister, that is the problem with your ministry throughout this term of this government. You will not take responsibility as minister. You're trying to dump it off on staff. The summit in Pembroke was a clear sign that you will not personally listen or send a specific delegation to listen. These people were not identified at that meeting as representing the Minister of Natural Resources.

The purpose of this summit was because your consultations on land use have been nothing more than a shabby, smoke-and-mirror attempt to make the people think that they have been consulted. Despite your attempts, we know that the price to pay for your policies will be lost jobs in forestry, lost jobs in tourism and lost jobs in land development. Mr Minister, will you please make a commitment to seriously consult one to one or on a group basis with these people regarding these three issues?

Hon Mr Hampton: I don't want to embarrass the member opposite, but he really should check his facts. A week before this meeting was held in Pembroke, I met for over three hours with the county warden, with the economic development officer of the warden, with the veneer mill at Pembroke.

In fact, he should read the press from his own riding. "Canada Veneers Now Optimistic After Meeting with the Minister of Natural Resources." "Natural Resources Minister Looking at Problem of Low Veneer Log Supply: Canada Veneers Happy." Not only did I receive this in person from the people in the county, I dealt with their issues in detail.

Finally, the member should read his own newspaper in his own riding because, at the same time that this meeting was being held, the Ministry of Natural Resources was able to arrange for a new investor in a sawmill in the member's own home town, creating new jobs. I don't want to embarrass the member, but the member should check his facts.

Interjections.

The Speaker: Order. There is not enough time to compare press clippings.

CORPORATE MINIMUM TAX

Mr Norm Jamison (Norfolk): My question is to the Minister of Finance.

Interjections.

The Speaker (Hon David Warner): Order.

Mr Jamison: Thank you, Mr Speaker. I hope people are willing to listen to my question because I believe it's one that's pertinent.

The Speaker: To whom is it addressed?

Mr Jamison: The question, for the second time, is addressed to the Minister of Finance. We would have heard that if the House was quiet enough to listen.

My question is about today's announcement about the minimum corporate tax. I've spoken directly to a goodly number of my own constituents and they believe this is a good idea. They believe it reflects fairness in our tax system and is a step forward towards that. The question I want to ask, and I guess it reflects an earlier question, is, why are we introducing this now?

On top of that, having some responsibility for small business, I want to be assured that the small business community is exempt from this tax. I want to clear the air on that issue right now. I believe, as most people do, that they're looking for more fairness in the tax system. Therefore, I would ask the Treasurer to explain or give explanation to the question that I pose here now.

Hon Floyd Laughren (Minister of Finance): I appreciate very much the question from the member for Norfolk. I was expecting a slashing, vitriolic attack from the opposition on this, but they don't seem to be as opposed to it as they pretend to be.

To the member for Norfolk, who asks a very good question, the reason this bill is being introduced now is, first of all, it is a long-standing commitment of this government to proceed with a corporate minimum tax.

Secondly, in the budget that was brought down last May, we very specifically said we wanted to introduce it later this year. We put out a consultation document which was distributed widely. We got some very good advice from the corporate sector on ways in which it would be better adapted and better amended and so forth.

I do believe very strongly that this has nothing whatsoever to do with any damage to any part of the private sector, but in particular to the small business community. This will not affect the small business community one iota. As a matter of fact, only the top 10% of large companies, 10% of all the corporations in Ontario, will be affected by this, and 90% of corporations in the province will not be affected by this whatsoever.

The Speaker: Could the minister conclude his response, please.

Hon Mr Laughren: It is a reasonable approach that recognizes the fact that small business is struggling to come out of the recession, and I believe it's the right tax at the right time.

Mr Jamison: My supplementary, I would stress, would go towards certain articles that have appeared in the paper and certain questions that have come and gone from the opposition members in this House, that is, that this tax would in their opinion have some detrimental effect on the economy of this province. I personally don't really agree with that, but again the media reports reflect this somewhat.

The Speaker: Could the member place a question, please.

Mr Jamison: Mr Speaker, I've had 38 seconds.

The Speaker: Could the member place his supplementary.

Mr Jamison: I will. The media seem to be blowing this up more so than they should, something similar to us stealing Christmas, which you should be ashamed of.

The Speaker: Does the member have a supplementary?

Mr Jamison: The supplementary question is: Does the Minister of Finance have any qualms on introducing this tax as far as its being detrimental to this economy is concerned?

Hon Mr Laughren: The major consideration as we examined all of the options available to us was to what extent this could be brought in as a fair tax without endangering the competitive position of this province, because as we come out of a recession, it's terribly important that we remain competitive. With this tax, we will still have a lower corporation tax than is present in the neighbouring states to the south of us.

As well, some people say, "What about the province of Quebec?" I can tell you that the province of Ontario still has lower payroll and capital taxes than the province of Quebec. There is absolutely no question that Ontario remains a competitive jurisdiction and will continue to be so in the foreseeable future.

1500

NATIVE CHILDREN'S SERVICES

Mrs Yvonne O'Neill (Ottawa-Rideau): My question concerns the 1992 murder of the native teenager Teddy Bellingham. As you know, Teddy's murder was discovered more than a year later, in September 1993. The Ottawa Native Concerns Committee, the Native Women's Association and the Indigenous Bar Association, among many others, are reminding us that the children's aid society did not know where Teddy was, nor did it even know he was missing. They did not file a missing person's report and they failed to provide Teddy with guidance or direction in his young and difficult life.

The Ottawa Native Concerns Committee wrote to you on November 23. My question, Minister of Community and Social Services, is, will you grant their request for a public inquiry to review children's services available to aboriginals, the youth court process and the child welfare system as it serves first nations people? Will you grant a public inquiry on this important request?

Hon Tony Silipo (Minister of Community and Social Services): I think it's fair to say that it's my sense that at this point a public inquiry is not the appropriate way to address this issue. The member will appreciate the fact that we have taken some steps with some follow-up as a result of the specific incidence that happened with the particular children's aid society as well as outlining, in some very clear fashion, our expectations to all children's aid societies around ensuring that reports are filed when youths are missing and ensuring also that the ministry is notified promptly when those instances occur.

The reason I said at the outset that I don't think a public inquiry is the appropriate way to go, at this point in time at least, is because there is clearly a process under way to deal with some of the issues here, under the criminal investigation. Obviously, some people have been charged. I think it would be incumbent, certainly on us, to ensure that this process is completed and that those issues are resolved before we could even contemplate the notion of a public inquiry.

Certainly there are issues, Mr Speaker, that I can say to the member, through you, that we continue to pursue beyond what we've already done. Those I will continue to pursue because I believe that the issue is not only of knowing the whereabouts of our young people who are in care of the children's aid societies, but also what we do is very important and is one I'm committed to ensuring that we pursue very vigorously with children's aid societies to ensure that what happened in this case does not happen in other instances.

UNPARLIAMENTARY LANGUAGE

Mrs Irene Mathysen (Middlesex): On a point of order, Mr Speaker: Through you, I request an apology from the member for Etobicoke West for his intemperate language directed at government members during question period. In light of the frequent admonitions made by the member for Etobicoke West whenever he perceives intemperate language from our benches, I'm sure that he would appreciate my calling attention to his intemperance and would also appreciate the opportunity to apologize to members on this side of the House.

The Speaker (Hon David Warner): To the member for Middlesex, I did not hear the unparliamentary language to which she refers. However, as has been the practice, if one member of the House is offended by something which was said during the sitting, we allow the person identified the opportunity, if he or she so chooses, to withdraw whatever remark may have been found to have been offensive.

Mr Chris Stockwell (Etobicoke West): Is this just a general, at-large complaint or is there a specific? You know what? I'm sorry.

The Speaker: We have restored general goodwill on both sides of the chamber, and that's very good.

PETITIONS

WASTE MANAGEMENT

Mr Ron Eddy (Brant-Haldimand): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ministry of Environment mandates that all municipalities (whether upper- or lower-tier) which require to expand or relocate municipal sanitary landfill sites, must conduct a waste management environmental assessment study; and

"Whereas it is the policy of the Ministry of Environment to assist in funding these studies at the upper-tier level of local government only; and

"Whereas of the 830 municipalities in Ontario, only 39 are upper-tier municipalities organized at the regional or county level;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of Environment to

cease this discriminatory policy and give funding assistance to all municipalities that are required to conduct a waste management environmental assessment study, and that this funding be made retroactive where applicable."

It's signed by 208 constituents. I affix my signature.

RELIGIOUS EDUCATION

Mrs Dianne Cunningham (London North): I have a petition from the Concerned Citizens for Bible-Centred Education that reads as follows:

"Whereas section 262 of the Ontario Education Act has not been struck down in principle by the Ontario Court of Appeal; and

"Whereas section 50 of the Ontario Education Act gives parents the legal right to choose what kind of religious education they want for their children;

"We, the undersigned, respectfully petition the Peterborough County Board of Education to institute a program of opt-in religious instruction in Christianity according to the pattern of two half-hour periods a week. The program should be implemented and administered in a non-coercive manner with the assistance of the local clergy or their appointees."

This petition is signed by 1,065 people.

Mr Robert V. Callahan (Brampton South): On a point of order, Mr Speaker: I've listened very carefully in this House and I wish an apology from the member for Etobicoke West as well for his intemperate language.

The Acting Speaker (Mr Noble Villeneuve): That's not a point of order. We will continue with petitions.

ONTARIO ECONOMY

Mr Steven W. Mahoney (Mississauga West): I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the government of Ontario has consistently mismanaged its finances and failed to support the economy of the province; and

"Whereas the government's new tax agenda has hurt many businesses across the province and killed tens of thousands of jobs; and

"Whereas the government has lost over \$2 billion in revenue even after imposing \$3 billion in new taxes; and

"Whereas the government is raising non-tax revenue through raising fees on everything it can think of, including toll roads, photo-radar, snowmobile fees, ferry fees, health service fees, children's services fees, without consultation or without studying the impact of these new fees on local communities; and

"Whereas the government is camouflaging its deficit crisis by phantom sales of government buildings; and

"Whereas the government is hiding its spending by setting up crown corporations to take on new debts; and

"Whereas the government even after all these questionable measures has still been unable to control its \$10-billion deficit; and

"Whereas the government is planning to introduce even more taxes, which will only lead to further job losses across the province, reduce business confidence and prolong the recession; and

"Whereas the government continues to waste money through tens of thousands of dollars in unjustified expenses on meals and hotels by senior political and ministerial staff;

"We, the undersigned, call upon the government to take action to halt any new tax increases, cut its own wasteful spending, take real action to support business and job creation and get the province working again."

I affix my signature along with the people who have signed this petition.

1510

SEXUAL ORIENTATION

Mr W. Donald Cousens (Markham): This is approximately 100 names of people from Willowdale, North York, Port Perry, Zephyr and communities south of York region and some in York region and Durham.

"To the Legislative Assembly of Ontario:

"Whereas traditional family values that have recognized marriage as a union between a man and a woman are under attack by Liberal MPP Tim Murphy and his private member's Bill 45;

"Whereas this bill would recognize same-sex couples and extend to them all the same rights as heterosexual couples—"

Mr Steven W. Mahoney (Mississauga West): What about your bill?

Mr Cousens: Bill 55 has been removed and has not—

Mr Mahoney: What about your bill?

Mr Cousens: I withdrew it. There will be no further action on that bill. If Mr Murphy would do the same, we'd go a long way.

Mr Mahoney: Was that on orders of your leader?

Mr Cousens: It's on orders from me.

"Whereas the bill was carried with the support of an NDP and Liberal majority with no PC support in the second reading debate of June 24, 1993; and

"Whereas this bill is currently with the legislative committee on administration of justice and is being readied for quick passage in the Legislature; and

"Whereas this bill has not been fully examined for financial and societal implications;

"We, the undersigned, petition the Ontario Legislature to stop this bill and to consider its impact on families in Ontario."

This is a very, very important petition and I'm very pleased to affix my signature to it with the hope that it has some impact on the Liberal and NDP majority in this House so it will do something to reverse this process.

Mr David Winninger (London South): I too have a petition signed by many people in the London area expressing their opposition to Bill 45, the private member's bill put forward by the Liberal member, Tim Murphy.

Mr Steven W. Mahoney (Mississauga West): I also have a petition regarding that legislation.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all such references should be removed from the Ontario Human Rights Code.

"Bill 55," which is in this petition the member refers to, "would make it illegal for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation. This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion against historical Christianity which does not condone homosexuality.

"We have moved away from a position where homosexuals and other special-interest groups are no longer content to express their ideas, but demand that contrary views be suppressed with stiff penalties. At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classroom, thereby proselytizing children with their viewpoints without allowing for different opinions.

"Therefore, we request in this petition that the House refrain from passing Bill 45 and Bill 55."

ROAD MAINTENANCE

Mr Ernie L. Eves (Parry Sound): I have a petition for the Legislative Assembly of Ontario:

"Whereas Shebeshekong Road is in a bad state of repair,

"We, the undersigned, request the government to take the necessary repairs immediately or as early as possible in the spring of 1994."

I have affixed my signature as the member thereto.

SEXUAL ORIENTATION

Mr Larry O'Connor (Durham-York): "To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows"—it's regarding Bill 55, which the PC member for Markham has introduced and I understand has withdrawn. I'll just sign this.

WCB PREMIUMS

Mr Steven W. Mahoney (Mississauga West): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Workers' Compensation Board's decision to increase assessment rates to over 27,000 Ontario employers in excess of 25%, to over 90,000 employers in excess of 10% and to over two thirds of Ontario business in excess of 3% will cost jobs; and

"Whereas the WCB ignored a responsible plan from the business community; and

"Whereas the WCB did not consult with business before making this reckless decision; and

"Whereas the WCB chair, Mr O. Di Santò, cast the deciding vote to allow this irresponsible tax grab;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario government roll back WCB assessment rates, accept the business solution and demand the resignation of WCB chair, Mr Di Santo."

This is submitted on behalf of 66 corporate citizens through the Canadian Association of Recycling Industries. I affix my signature thereto as well.

TAXICABS

Mr David Johnson (Don Mills): A petition to the Legislative Assembly of Ontario:

"Whereas the Municipality of Metropolitan Toronto (Metro) and its agency the Metropolitan Licensing Commission (MLC) has created and caused untenable, harsh and restrictive regulatory and business practices to the Metro Toronto taxicab industry; and

"Whereas the MLC and Metro have refused to deal with the taxi industry in a civil and businesslike manner, thereby causing hardships to all individuals within the industry; and

"Whereas the MLC and Metro refused or failed: to accept province of Ontario vehicle safety standard certificates, or to provide published mechanical safety standards to be applied in lieu of the certificate; to provide an appeal procedure for mechanical safety inspections for vehicles used as taxicabs; to implement the MLC bylaw rewrite as promised for January 1990; to provide leadership and control over the MLC despite continued complaints by the industry and others; to stop conflict-of-interest situations; to stop discriminatory fee practices against the taxicab industry; to publicly tender contracts for services; to exhibit apprehension of bias against the taxicab industry as a whole;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That under the Municipality of Metropolitan Toronto Act, Revised Statutes of Ontario, 1990, chapter M.62, part 28, section 278, to investigate the activities and the relationship of Metro and the MLC, and as a result legislate that Metro and the MLC establish a separate Metropolitan Toronto Taxi Authority with the appropriate taxicab industry representation."

This is from the Toronto Taxicab Owners and Operators Association and signed by over 1,000 owners, operators and users of the taxi industry in Metro Toronto. I affix my signature thereto.

MINISTER OF NORTHERN DEVELOPMENT
AND MINES

Mr Frank Miclash (Kenora): I have a petition that reads:

"To the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Whereas the Minister of Northern Development and Mines has indicated that she consulted with members of the mining industry regarding the termination of eight claim inspectors of the Ministry of Northern Development and Mines; and

"Whereas the assistant deputy minister has indicated that no such consultation has taken place; and

"Whereas this set of circumstances is consistent with previous actions of the minister in the past;

"We, the undersigned, call upon the Premier to investigate the inconsistent remarks made by the Minister of Northern Development and Mines and the assistant deputy minister forthwith."

This is signed by a number of people from northern Ontario and I too attach my name to that petition.

The Acting Speaker (Mr Noble Villeneuve): This completes the time allotted for petitions.

TIME ALLOTTED FOR PETITIONS

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: I didn't want to rise at the time because the clock was running on the petitions segment, but at the beginning of this petition time period, over two minutes were consumed in a point of order by a member of the government asking for an apology from the member for Etobicoke West.

While I understand that it was seen to be an appropriate statement, I just wanted to ask, Mr Speaker, why in this particular case the clock was allowed to run down by over two minutes when petitions were delayed by more than two minutes and as a result people were prevented from carrying on the routine business of the day.

Had I thought I could have won the day, I would have stood at that point and asked that the full 15-minute time period be reallocated. I would ask you to check into the regular or traditional way of handling that and advise us if, when this happens again, we could have the full 15 minutes for petitions to be presented in the House.

The Acting Speaker (Mr Noble Villeneuve): I want to remind the honourable members that the Speaker has an allotted time to work within and must recognize the honourable members on a point of personal privilege or on a point of order. I appreciate that it does shorten the time and I would remind members to possibly bring their points of order, points of personal privilege, at a time when there is no time allocation or time limit.

1520

Mr Frank Miclash (Kenora): On a point of order, Mr Speaker: I just read a petition into the record. I wish, as the Mines critic for the Ontario Liberal Party, to indicate what I was talking about.

This is reading from an article in Northern Ontario Business, which indicates: "During a recent visit to

Timmins, Mines Minister Shelley Martel was quoted in a newspaper article as saying she consulted with the industry before making the decision to lay off the eight claims inspectors," as I indicated before. "But Gammon," who is the assistant deputy minister to the minister—

Interjections.

The Acting Speaker: Order, please. I can appreciate that it's a point of view and it's an opinion and the member is quoting. However, there will be a time and place for that. It's not a point of order.

REPORTS BY COMMITTEES

STANDING COMMITTEE

ON GOVERNMENT AGENCIES

Mrs Marland from the standing committee on government agencies presented the committee's 12th report.

The Acting Speaker (Mr Noble Villeneuve): The member for Mississauga South, Mrs Marland, has provided a report from the standing committee on government agencies. Does the honourable member have some brief remarks to make pursuant to this report?

Mrs Margaret Marland (Mississauga South): I would like to take the opportunity to comment on the fact that the standing committee on government agencies this morning appointed two very exceptional citizens of Ontario to responsibilities.

One of them is Mr Peter Munk, who has been appointed as a member of the University of Toronto Crown Foundation Board. Mr Peter Munk, as I think everyone in this Legislature recognizes, has been a very outstanding citizen of this province and this country and will serve, as he has in many voluntary positions, extremely generously in terms of his own personal time as a member of the University of Toronto Foundation. I think we're very fortunate to have people of his calibre and experience willing to serve for the public good.

Also, Dr Swaminath, as a member of the Ontario Criminal Code Review Board, who is himself a psychiatrist, is also willing to make a personal contribution for the good of the people of this province.

I think we are indebted to both of these individuals for their willingness to serve and we applaud their generosity.

STANDING COMMITTEE

ON REGULATIONS AND PRIVATE BILLS

Mr Mills from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment.

Bill Pr67, An Act to revive All-Wood Land Clearing Ltd.

Bill Pr68, An Act to revive Le Groupe Concorde Inc.

Bill Pr73, An Act to revive Ukrainian People's Home in Preston.

Your committee recommends that Bill Pr39, An Act respecting the United Townships of Dysart, Bruton, Clyde, Dudley, Harcourt, Eyre, Guilford, Harburn and Havelock be not reported.

Your committee further recommends that the fees, and the actual cost of printing at all stages and in the annual statutes, be remitted on Bill Pr73, An Act to revive Ukrainian People's Home in Preston.

The Acting Speaker (Mr Noble Villeneuve): Mr Mills has moved a motion on the standing committee on regulations and private bills. Shall the report be received and adopted? Agreed.

Pertaining to the previous report by Mrs Marland, pursuant to standing order 106(g), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON ESTIMATES

Mr Jackson from the standing committee on estimates presented a report.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have brief comments? If not, pursuant to standing order 60(b), the report of the committee is deemed to be received and the estimates of the ministries and office named therein as not being selected for consideration by the committee are deemed to be concurred in.

INTRODUCTION OF BILLS

CORPORATIONS TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR L'IMPOSITION DES CORPORATIONS

On motion by Mr Laughren, the following bill was given first reading:

Bill 133, An Act to amend the Corporations Tax Act /
Projet de loi 133, Loi modifiant la Loi sur l'imposition
des corporations.

Hon Floyd Laughren (Minister of Finance): I am introducing for first reading a bill to amend the Corporations Tax Act. This bill will implement the 1993 budget proposal to introduce a corporate minimum tax for the province.

The corporate minimum tax will apply only to corporations or companies in an associated group with total assets of more than \$5 million or gross revenue of more than \$10 million. Profitable corporations over this size which are currently paying little or no regular income tax will be required to pay the corporate minimum tax.

The corporate minimum tax will improve tax fairness while maintaining tax incentives for new investment and job creation.

The Acting Speaker (Mr Noble Villeneuve): Orders of the day.

Hon Brian A. Charlton (Government House Leader): Before I move the calling of the first order, we had some discussion among the House leaders about an item which we'll be dealing with later this evening, Bill 120, which we'll be coming back to late this evening. We've reached an agreement that at the time that debate ends this evening, regardless of whether there should happen to be five members present to stand and cause a division, we will see a division and the vote will be deferred until before orders of the day tomorrow.

The Acting Speaker: Do we have unanimous agreement from all parties? Agreed.

ORDERS OF THE DAY

LABOUR RELATIONS AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LES RELATIONS DE TRAVAIL

Mr Cooper, on behalf of Mr Mackenzie, moved third reading of Bill 80, An Act to amend the Labour Relations Act / Projet de loi 80, Loi modifiant la Loi sur les relations de travail.

The Acting Speaker (Mr Noble Villeneuve): Do you have some opening remarks?

Mr Mike Cooper (Kitchener-Wilmot): It's my pleasure to rise today and move third reading of Bill 80, a bill designed to promote greater balance and fairness in relations between Ontario construction union locals and their international parents. Ontario-based construction locals have long expressed the desire for greater control over their own affairs, and I'm pleased that several members are here in the galleries today to watch this.

I am proud to say that this government is responding positively to these concerns. Right now, these local unions need more say in how internal union jurisdiction issues are resolved. They need a fair voice in the collective bargaining process and they need protection from sanctions imposed by their parent international unions. These Ontario locals have often had little input into the administration and use of their funds for employee benefit and pension plans to which their members have contributed.

These circumstances have developed over time and can be traced to the unique nature and history of trade union organization by craft in the North American construction sector. Bill 80 will bring a sense of balance and fairness to the relationship between locals, their members and their international parent unions.

In particular, these reforms will guarantee to Ontario construction locals joint bargaining rights with their international parents across the entire construction sector, much greater protection of their geographic and work jurisdictions, greater protection from interference or reprisals from their parent unions, and representation on the boards of their benefit plans proportionate to the number of local members enrolled.

Bill 80 is the latest in a series of progressive measures our government has taken on behalf of working people in the province of Ontario. I urge this House to give its final approval to these important legislative proposals.

1530

Mr Steven Offer (Mississauga North): I'm pleased to rise and join in the debate on this particular piece of legislation. I anticipated that there would have been a separation of time per caucus, but I understand that hasn't yet been decided. I'll still have enough time, I believe, to put a few points on the record.

Let me say at the outset that I am currently the Environment critic for our party but previously was the Labour critic and, as such, was involved with this particular piece of legislation really from its outset. At that point I was very concerned with the legislation, with the way in which it was arrived at and what it was doing to good, hardworking people in this province.

My concern is that this particular piece of legislation has not helped many people. I am concerned and opposed to the bill for a number of reasons, and let me indicate that the first reason deals with the whole process by which this bill came about.

We all know in this Legislature that it was a year and a half ago that the Minister of Labour, when introducing the now infamous Bill 40, in his statement to the Legislature on June 4 indicated in one paragraph of that statement that there was going to be another piece of legislation coming. At that point in time, what he was referring to without name was the subject matter of this particular piece of legislation, known as Bill 80, and indeed they did introduce Bill 80 at the end of the month, June 1992.

The problem that has happened is that no one who was impacted upon by Bill 80, no one who was involved in the unions of that kind, knew about this particular piece of legislation, knew that the minister was going to be introducing a piece of legislation that dealt with this, knew that the government was considering dealing with a piece of legislation that was going to change their rules and regulations.

For me, at that time as the Labour critic, I received a number of pieces of correspondence, by telephone, by letter, by fax, from good, hardworking people who were saying, "What the heck is this government doing?"

The Minister of Labour stands up and makes a statement on a particular subject matter about which he has not spoken to anyone who is affected. They don't know that the minister was in on this bent to deal with the issues such as Bill 80. They weren't involved in any consultative process; they weren't involved in dealing with any of the issues. But all of a sudden the Minister of Labour stands up and says, "And hey, by the way, something's coming down the line in a month's time." That became Bill 80. That was a problem from its outset and it's a problem that this government has had from the day it was elected.

The fact of the matter is, you don't know how to talk to people. You don't know how to deal with the issues of the day. You don't know how to make decisions that do anything less than exclude people from policymaking. You've done that countless times. You have Bill 80 as an example. Before Bill 80, you had Bill 40 as an example. Before Bill 40, you had other pieces of legislation as an example, such as the waste management legislation, Bill 143.

Hon Elmer Buchanan (Minister of Agriculture and Food): You have been talking about Bill 40 for 40 years.

Mr Offer: The Minister of Agriculture and Food is up and is saying something. The fact of the matter is that the legacy of your government is a government which divides people, which deals with issues in a manner which seeks to exclude people, and Bill 80 is another example of that.

We are under time allocation. We can't speak about all the very important issues that arise from Bill 80. We can't talk about the many people who want to have some discussion on Bill 80. This government seeks to shut the

door on the people of this province. The problem is that it hurts good, hardworking people, people who don't want to be involved in stuff down here. What they are concerned about is jobs and their family, and Bill 80 does nothing to help in that area.

Bill 80 is an intrusion. It's an intrusion into the way in which people manage and organize their own affairs. It's an intrusion into the way in which unions organize and orderly deal with the issues of the day. It's government saying, "We know better." The fact of the matter is, it is the worst example of governing in the 1990s. If there is ever a lesson to be learned, it is that what you guys are doing in so many areas is dead wrong, not only in terms of the substance but in terms of the process.

You don't deal with the issues of the day by picking teams and by saying: "Here's the issue and now we're going to pick teams. We're going to divide. We're going to seek to increase chaos, seek to increase opposition." That isn't how you deal with these things. That isn't what makes a healthy economy. That isn't what creates a climate for investment, for job creation not by government but by the private sector: the good, long-term, high-paying, highly trained jobs, the ones that come from the private sector. But this government just continues to work along the path of saying: "We know best. One group we will shut the door on. We will not listen to your concerns. We will invoke what has become institutionalized in this place, and that is time allocation."

We know that what time allocation is is limiting debate. Why the heck were we elected? We were elected to bring forward to this place the issues from our constituents and from interested parties across the province. This government invokes, day after day, time allocation. If it isn't on Bill 80, then it's on Bill 40. If it's not on Bill 40, then it's on the Environmental Bill of Rights. If it's not on the Environmental Bill of Rights, then it's on waste management. If it's not on waste management, then it's on photo-radar. And the list goes on and on and on.

The legacy you leave is one of a group of people who shut doors, either to this Legislature or to committee rooms—also, in fact, to your own constituency offices, because how do you tell people that you can't listen to their concerns any more because the bill has already whooshed through the Legislature?

That's what your legacy is. It's a legacy of division. It's a legacy of chaos. It's a legacy of dealing with matters that are important in an improper way. It's one on which I, as one member of this Legislature, hope that some members on the government side will finally get the message that your job is to listen and to deal with issues and to seek to bring together people.

But you like chaos, you like dissension, you like division. We see it each and every day. The problem is, that doesn't create jobs. It doesn't create a healthy economy. It doesn't create a climate for investment for good, well-paying jobs. It doesn't create a message that Ontario is a place where you can invest, either in terms of dollars or in terms of some brainpower, to build business here.

I know my time on this particular piece of legislation is coming to an end because we're under this crazy time

allocation rule. I will be against Bill 80. I've been against Bill 80 from the outset. I've been against Bill 80 not only because of its substance but because of what it's done to good people in this province. You should be ashamed for standing up and seeking to defend something which divides people.

1540

The Acting Speaker: Questions or comments?

Mr Steven W. Mahoney (Mississauga West): On a point of order, Mr Speaker: I understood that there was an agreement with the House leader that we would split the time equally, which would mean there would not be the two-minute responses to each speech. That was agreed with the government House leader. Can I ask for unanimous consent?

The Acting Speaker: Do we have unanimous consent to forgo and divide the time evenly? Agreed. Further debate.

Mr David Turnbull (York Mills): The Bill 80 consultation process was flawed from the outset, further emphasized by the fact that we had time allocation brought in on this bill. The government has been ramming it down the throats of supporters and opposers alike in the same way it rammed photo-radar down everybody's throat and everything else on this government's agenda is being rammed through. Let's take a look at the list of the bills they've been pushing through.

We've had time allocation this session on Bill 8, the casino bill, something the government certainly didn't run on in the last election; in fact, it always ran in exactly the opposite direction from the casino bill.

Bill 47, the photo-radar bill: This is the most draconian measure the government could take, and Bill 47 is something we had no public hearings on whatsoever. It's been suggested, in fact, that it's Orwellian, that we're going to have cameras supervising the speed limits now, and we have no opportunity for the public at large to express their disdain for this. I've received over 200 communications at my office on that subject alone, and only three of those communications have been in favour of photo-radar. This government, that ran on a platform that it was going to be an open government, has said it is not interested in any debate. We've seen that again with this bill. We've had time allocation on this bill.

We look at Bill 100, the regulated health professionals bill; Bill 164, the auto insurance bill; Bill 48, the social contract, and now Bill 80. In all of these, closure was applied. The record of this government is that it's escalating this process: In 1991 there were two time allocation motions, in 1992 there were four time allocation motions and in 1993 we've had six.

At a time when so many construction workers are out of work, this bill does nothing to create jobs. Surely the top priority of this government, of any government, should be to ensure that jobs are created in this province. What are we seeing? We're seeing a government that is determined at every turn to pay off its buddies but not to get on with the main job, and that is restoring prosperity to this province. Instead, they're digging us into a sea of debt.

This bill has caused a tremendous rift within their unions, and it's a great shame when you consider that we have relative calm within the union movement at this moment. We find that the unions—

Interjections.

The Acting Speaker: Order, please. I want to remind all members that interjections are out of order. Members will have the opportunity of participating.

Mr Turnbull: The government brought this in at a time when it should be concentrating on the provincial economy. It's very hard to see how this could be demonstrated as being beneficial for stimulating the provincial economy. The government has made absolutely no useful case to demonstrate that this was an urgently needed bill.

My friend the member for Kitchener-Wilmot, the parliamentary assistant, smiles. I guess I would have to smile that little smile if I were having to carry through the House a bill when the minister responsible is too chicken to be in the House to take the knocks. Every time we've asked him a question we've got some mealy-mouthed answer. He's usually half asleep and he doesn't have any respect for the questions that are asked. He's got his prepared notes and he looks at the ceiling and then reads some absolutely inane answer, instead of getting on with the business of solving the problems—the problems which are impediments to creating jobs—the very minister who should be addressing the serious problems at the Workers' Compensation Board so that injured workers get their fair payout in a timely manner.

I know all the problems I handle in my office with respect to injured workers. At the same time, they have an enormous bureaucracy which is out of control and they're spending money, instead of on injured workers, on building a Taj Mahal for themselves, an office building they had no permission from cabinet to build. Yet the minister refuses to do anything to bring them to heel.

We've had a chair of this board who has clearly misled this House and the committee. We had the deputy chair in charge of administration mislead the House. We have called for the resignation of both of them, but the government has not seen fit to do anything about that. Instead, they're concentrating on job-killing legislation like Bill 40, and now we see this useless piece of legislation.

Let us be fair. Let's say, for example, that half of the union members want it and half of them don't. I really don't think there is a demonstrated need. Certainly in the small amount of the hearings that I sat in on, there were not very many people speaking in favour of the bill. There were some, nevertheless the majority of the people who spoke to this bill were saying this is not needed.

At a time when we are talking about level playing fields and international markets and we have multinationals, why on earth do you want to limit unions just to Canada? A perfect example of how this can be detrimental to the union movement would be with the Canadian Auto Workers. Since they split away from the United Auto Workers, they have now got no support in the US to maintain auto jobs in Canada—not very good for Canadian auto workers.

Fortunately, Canadian auto workers have been, on the

whole, more productive than US auto workers, and there are some competitive advantages that we enjoy, but not in all plants. But the United Auto Workers' desires are strictly to maintain their jobs in the US, instead of having an interest in Canada.

This bill does nothing to affect the vast majority of taxpayers in this province. Why are we handling this? Once again, the government's priorities are out of whack. There are many other changes that this government should be addressing, and number one on that list has got to be job creation. How do you create jobs? The very best way that has been demonstrated throughout the world is to make sure that businesses have an incentive to invest and to increase their investment and have long-term plans for the nation.

As an environment becomes inhospitable, you know what? Investment goes away, and so it should. We're in an international market. Today we have an international economy which is so completely and fundamentally different from the economy that existed 25 years ago that we cannot take these narrow views that perhaps past socialist governments have taken throughout the world. We must look in an international way at our ability to compete. This bill is doing nothing to do that.

Instead the government is bringing in corporate minimum tax. Well, my friends, let me tell you something about corporate minimum tax. The fact is that not many companies are making any money. You won't be getting very much money. I challenge you, next year at this time, when you see the revenues that you've had from corporate minimum tax, we'll see if it is any significant amount of money. But it is demonstrative of the attitude of this government, an attitude of greed and avarice against anybody who would be successful.

We have seen the attitude of this government with respect to doctors. The government talks about the income of doctors and they talk about their gross income, as if they didn't have any expenses. It's well known that the average doctor's expenses are 40% of his or her income. That demonstrates an ignorance of how to stimulate the economy.

1550

We've seen it time and again. We saw the best demonstration with the enactment of Bill 40, the famous job-killing legislation which our party, the Progressive Conservatives, has said unequivocally we will revoke immediately upon forming a government.

We're in favour of protecting unions and union members, have no mistake about it. We are not bashing the unions, but what we are saying is we must make sure that legislation is such that it respects the ability of the employer and the employee to be able to strike a fair bargain. We talk about level playing fields. It is such a common term today in a time of internationalization and yet this government is moving in the opposite direction.

There are many other challenges and, as I've said, job creation should be the number one challenge. Bill 80 interferes with the internal workings of unions. Bill 80 will override the building trade constitutions and takes power to solve international problems out of the hands of

unions, placing it in the hands of the Ontario Labour Relations Board.

There is a very, very serious question. Why does the government think, at a time when it is quite clear the government is absolutely broke, it should be taking on more responsibilities into government institutions? Do they want to bankrupt us just a little quicker? Although, of course, it could already be argued that we are bankrupt now and that any commercial corporation in the financial straits we're in today—I would suggest that probably a private corporation would have already been in liquidation because its creditors would have moved in on us.

We are now one of the most indebted places on the face of the Earth and this government has done everything to create that set of circumstances. They have, in the three years that they have been in power, doubled the total amount of debt that occurred—

Interjections.

The Acting Speaker: Order, please. The member for York Mills has the floor very legitimately. Other members will have their turns.

Mr Turnbull: I find it interesting, the interjection from across the floor, talking about the debt for Ottawa. Haven't you learned a lesson from that, my friends? The lesson is, they will throw you out, based upon those figures. It is just so shortsighted for you to throw all of these abusive comments out and not think and contemplate maybe your own belly. I think Buddha would have some words of advice for you on this.

We have a problem in this province and the problem is that investment is not coming into the province. We have no way of being able to completely identify the forgone investments. Here's the funny thing. I'm hearing one of the ministers heckling. I was appointed to the investment panel of the Premier's Council and let me tell you, my friends, because I heard it and you didn't—I heard it at the same time as the Premier that one of the Premier's own appointments, Professor Horvath from York University, did a study on behalf of that council and concluded that the absolutely essential element was to abandon trying to attract investment, because we were fairly unattractive, and concentrate on trying to keep the investment we've got.

The government's solution is to get some of its favourite corporations like Bombardier, bail it out, and then for massive amounts of tax dollars to go to subsidize those foolish decisions, instead of letting businesses survive on their own merit. Instead, we now have the situation that for every aircraft that is made in Toronto, there's probably several million dollars in subsidy. It's not a very healthy situation. It's not a situation that Boeing was prepared to accept. Why should the taxpayers of Ontario be prepared to accept it?

Let me just read into the record some of the concerns and some of the pros and cons of this legislation.

I will start with the pros. The main argument for this legislation is that it will provide Ontario-based locals of international construction unions with greater democracy, freedom and local control. They argue that the international unions, which are based in and dominated by the

US, are insensitive to the concerns of Canadian locals. They argue that this bill is necessary in order to ensure that the rights of local union members are protected from the heavy hand of an international union.

The cons: Those who are opposed suggest that there is no demonstrated need for this bill. There are no concerns within the construction unions about freedom or local autonomy. There are no problems with local unions being oppressed by international unions. This is a solution for a problem which simply does not exist anywhere other than in the Minister of Labour's mind.

Mr Cooper: Read the briefs.

Mr Turnbull: I hear the parliamentary assistant shouting across the floor, "Read the briefs." To the parliamentary assistant, I have to say, you're not paying attention to what I've already said.

I said it hasn't been demonstrated adequately that this legislation is needed, and it certainly shouldn't be a priority. The priority should be job creation, so that the good people of Ontario are put back to work. That is the most important thing. Why we've got this legislation, which really should be sorted out by the unions, is beyond me. If the unions cannot arrive at a solution, then bring in the legislation, but concentrate on what should be done now.

To the parliamentary assistant I would say that one day I sat in on these committee hearings. I hadn't had the benefit of listening to the parliamentary assistant's presentation the week before, but there was somebody, who came I believe from his own riding, who had a binder about an inch thick and it was indexed.

This man went through, and these were not generalities. I couldn't speak in the specifics that this man did. He understood all of the problem. I don't know if he was right or wrong, but I will say that his arguments were very compelling and he cited chapter and verse what was wrong with your arguments, sir. So that is my suggestion.

Interjection.

Mr Turnbull: It may have been from the international, I say to the parliamentary assistant, but the point is, there is very clearly a rift between various people on this issue. I suspect this government has got its priorities a little mixed up when it's concentrating on something which doesn't affect the average taxpayer. You should be getting on with the affairs of the average taxpayer, that is, creating jobs.

I return to the cons. The Minister of Labour has failed to consult with the affected unions and is ramming this bill through without even attempting to reach a consensus.

Thirdly, they are very concerned that this bill infringes on the democratic rights of their unions to decide their own affairs by giving the government the power to interfere unduly with the operations of their unions.

1600

Then there was a rather interesting brief that was presented by Mr Robert Belleville, the director of Canadian affairs for the Sheet Metal Workers' International Association. I think it's a rather excellent summary. It reads:

"Throughout the long debates no one, especially the government, has made a solid case for such draconian legislation, legislation which is suspected in the very least as being biased and motivated by a minority dissident group. Implementing many of these proposals could create instability in the construction industry.

"Implementing many of these proposals could have disastrous effects on construction members. Our organization believes that nobody except the members of the Sheet Metal Workers have a right to interfere in the workings of our union. We firmly believe that government action in proposing Bill 80 is a direct violation of the ILO charter." I will return to that.

"Having stated all of these reasons why this legislation is not acceptable, I would however suggest this committee look at the recommendations put forward by the Canadian building trades department as a way of settling the Bill 80 dilemma."

The point is that the issue of the ILO charter is very interesting. In fact, I'm assured by my good friend Mr Mahoney that there will be a challenge to this legislation as violating the ILO charter. I think that as soon as you get charter challenges like that, and the cost to the taxpayer fighting it, I have to say, because probably the challenge wouldn't occur until the next government is in, why would the government be going out and spending the next government's money? It isn't even their money; it's the taxpayers' money. But that is typical of what this government is doing. They are setting up a confrontational situation, and they are also setting up some awful financial problems for the next government.

The construction industry is absolutely on its knees, and instead of concentrating on taking away the impediments to investment in Ontario, they are concentrating on internal matters of the union.

Mr George Mammoliti (Yorkview): He's not qualified to talk—

The Acting Speaker: Order, please.

Mr Turnbull: A very interesting matter is raised, and that is that the member for Yorkview is shouting across the floor that I'm not qualified to talk on matters of the union. Do you know something? He's quite right, but in the same way as I believe sincerely that most of the time most of you, if not all of you, are not qualified to talk on matters of the economy, but you still do.

Mr Len Wood (Cochrane North): Give me a break, your bona fides.

The Acting Speaker: Order.

Mr Turnbull: My bona fides? I would say, look back at the Conservative government record in Ontario. There is no doubt about it, it was a very well-governed province. I suppose one would have to look at just the financials and say: "This government doesn't have any credibility on the financial front at all. Can you imagine, in three years, to double the debt of the province?"

Double the debt of the province: Those are the qualifications this government has to put this through. I don't know definitively who is right or wrong in this case, and I'm not saying to the unions that positively this is not something that might be desirable, but I believe there

should be more consultation and we should try and get the unions to sort it out. It isn't legislation that should be coming before us. We should be concentrating on the fiscal affairs of this economy, which the government has absolutely abdicated. This is payoff time. It's payoff time for Bob White and it's payoff time for some of Bob Mackenzie's other friends, union leaders, not the rank and file.

Interjections.

Mr Turnbull: The final comments that are being made are, "Where is Mr Murdoch on this thing?" I think you're going to find that Mr Murdoch will be speaking in favour of it. But that is truly the benchmark of democracy that occurs within the Conservative Party, that we allow for differing views. That is the case. You are not allowed to vote differently, because we've seen you voting on obnoxious things like Sunday shopping.

Do you remember campaigning in the last election? "Sunday shopping? Never." But instead you came and you voted on Sunday shopping.

Casinos? Let's not forget that gambling is negative to the poor person. It's the poor people that this government is disadvantaging with gambling. They had the ability to put through a law which would allow for only high-stakes gambling, which would not intrude upon poor people, but that's not what the government put through. The government put through legislation which would allow—

The Acting Speaker: I want to remind the honourable member that we are dealing with third reading of Bill 80.

Mr Turnbull: In conclusion, this is legislation we shouldn't be handling; we should leave it up to the unions. I think it's payoff time. I really believe the government has taken a kicking on this, because there has been overwhelming evidence from those people presenting at committee that they don't like this legislation.

Mr Mammoliti: I'll start by saying that there are some members in this place who I think should frequently put on a pair of work boots or a pair of coveralls or even do a little bit of construction work in their life before they stand up and try to criticize and talk about why we're passing such a bill and talk about why workers want this type of a bill. Before they stand up in this place, maybe they should do that. I'm not talking about putting on a pair of construction boots to take out the garbage or a pair of construction boots perhaps to clean their windows in their house. I'm talking about hard labour. I'm talking about drywall. I'm talking about bricks and mortar. I'm talking about roofs. I'm talking about sheet metal. I'm talking about the stuff that the previous speaker doesn't know anything about, knows nothing about, but yet he stands up in this place and he says: "I care for unions. Oh yes, I care for unions."

I didn't have time today or I would have pulled out Hansard and all of this character's speeches over the last three years. They will prove to you that this guy doesn't give a darn about unions—notice I didn't say the word—and doesn't care, quite frankly, about the concerns that the unions have had or labour has had.

Mr Turnbull: On a point of privilege, Mr Speaker: I believe the House rules do not allow for another member

to impute motive. It is very clear that the member is currently imputing some motive. I would ask him to withdraw.

The Acting Speaker: To the member for Yorkview, please, you know the rules. Address the Chair.

Mr Mammoliti: Where's the pair of work boots? If he does some hard labour, I'll withdraw.

Interjection.

Mr Mammoliti: We hear some heckling from the member who actually sits beside this guy.

Mr Turnbull: On a point of privilege, Mr Speaker: The member has not withdrawn. He is suggesting that I have to put on some work boots. I can tell him I've probably done more physical work in my life than he has.

1610

The Acting Speaker: This debate is degenerating. Please address the Chair, abide by the rules and keep it on a high plane.

Mr Mammoliti: Season's greetings to you as well. Season's greetings to the member, Mr Speaker. I won't provoke him any longer, I'll get on with Bill 80.

I must confess I've had some concerns about Bill 80 and I think that most in this place will know that I was quite vocal about how I felt about it. I was quite concerned when I heard that there were some people in labour who didn't agree with this and felt that the government would set a precedent perhaps in sticking its nose where it doesn't belong: in constitutions. I talked about that in committee, and Mr Mahoney would know that because he was at committee.

But since then there's been a breakthrough, and I would commend the minister in bringing labour together and hashing out a package that everybody could agree with. I think there's a lot to be said for what the minister has done. He could have totally disregarded some of the groups that had concerns with it and totally disregarded some of the concerns that I had, quite frankly, but he didn't. He was concerned genuinely and he brought everybody together and hashed out, as I said, a compromise that everybody is happy with. For that reason, I stand today and say that I will be supporting Bill 80. We know that everybody seems to be on board at this point and everybody agrees.

In answering some of the questions in terms of government interference, I don't think labour was afraid at any point that this government would set a precedent, that it would—how should I say this? I don't think labour at any point was concerned that this government would do something to harm it, or its constitutions, for that matter. I think the reason they had the concern was because they were afraid of future governments, what other governments might perhaps do to them in the future.

A Liberal government, for instance, might have taken the precedent that they were afraid of and worked it to a degree where it could have changed their constitutions completely. We all know what the Conservatives are capable of when it comes to constitutions, or labour, for that matter. That is a genuine concern. It was a genuine concern from the start and still is to a degree for some people.

However, the package is here. Everybody likes it. The people I've spoken with over the last little while have recently spoken to me and have said they can live with it, they like it. The people who quite frankly may have had some concern with this are now saying, "Okay, we can live with it."

This is another commitment. I spoke a couple of days ago on the commitment from this government to labour. There are some people, believe it or not, in this Legislature who will stand up and say this government hasn't done anything for labour, that it has totally forgotten about its promises. Let me remind you that Bill 80 is a commitment to labour as well, among things like Jobs Ontario, which by the way is creating thousands of jobs in this province and in my riding of Yorkview here in Metro, and Bill 40.

For those of you who aren't familiar with Bill 40, all you need to do is go down the street to one of the local Miracle Food Mart chains and they will tell you what Bill 40 has done for them. All you need to do is go by one of the picket locations, the pickets in front of the Miracle Food Mart stores and talk to any one of the employees and they will tell you what Bill 40 has done for them. What has it done? Recently, we heard that there was a ruling that the employer was actually hiring scab labour.

Mr Chris Stockwell (Etobicoke West): Where?

Mr Mammoliti: You're obviously not listening. The member for Etobicoke West is not listening, and he's not even in his seat for that matter. What Bill 40 did was give workers the rights that they have been waiting for for years when we talk about strikes and when we talk about scab labour.

Mr Stockwell: How many jobs are left after that strike is over?

Mr Mammoliti: The member for Etobicoke West continues to howl.

The Acting Speaker: Yes. I want to remind all members that interjections are out of order, particularly when members are not in their assigned seats. Please, the member for Yorkview.

Interruption.

The Acting Speaker: I want to remind that we welcome visitors, but please, you're not allowed to demonstrate.

Mr Mammoliti: Speaking of visitors, there was a question earlier from one of the speakers. I believe it was from the Conservative Party, if I'm not mistaken. It was the member for York Mills. The Liberal brought it up as well in his speech: Who wants it? Why are we doing this? Why is the government taking up the time in this place? This is why we're taking up the time of this place. These are the workers of the province. These are the labourers. These are the people who wear the work boots. These are the people who build your homes. That's why we're doing this here today.

The people who bring this up continually—and I want to see whether or not Mr Mahoney brings this question up; I can't wait for you to bring this question up: Why are we doing this? This is why we're doing it: because the workers want it.

Mr Derek Fletcher (Guelph): Need it.

Mr Mammoliti: The workers need it. The workers have been asking for this for quite some time now. Have the Liberals given it to them? No, the Liberals have not given it to them. They didn't even make an attempt. And you know why? Because they were afraid to sit down with them. They knew that labour didn't agree. Some of them agreed; some of them didn't. They were afraid to sit down with them and say, "Let's work something out."

Was our minister afraid? No, our minister sat down and talked. Our minister hashed out agreements. Our minister created Bill 80. It's not that big: four pages. It took a New Democrat government to do this. The Liberals didn't want to do it. The Conservatives—well, the Conservatives quite frankly aren't even worth talking about when it comes to labour and aren't qualified to speak about labour.

Pay equity and employment equity are just other examples of our commitment to labour. De Havilland: We of course bailed out de Havilland. That was Bob Rae who did that.

On Bill 123, we can ask them this question—

Mr Stockwell: I didn't say Bill 123.

Mr Mammoliti: The member for Etobicoke West sits in another seat in this place, continues to heckle, and asks the question: Do they agree with Bill 123? That's the bill that protects them from Quebec. We're going to be talking about this in a few minutes and I'm going to be speaking on this as well, I think. Yes. Quite frankly, you can ask them this question as well, and I pose this question to all of you: Bill 123, Quebec, what have they done to you in the past, the labourers? How many thousands of jobs have they taken in Ontario? What has the New Democratic government done?

Mr Fletcher: Protected our jobs.

Mr Mammoliti: What are we going to be speaking about in just a few more minutes? We're going to be speaking about this particular case, how Ontarians are now going to be able to work in Ontario and not be afraid of Quebecers taking their jobs.

1620

Did the Liberals want to do that? The answer is no. My colleague from Guelph, wonderful guy, by the way, the member for Guelph cares about labour, knows exactly who represents labour and who's the voice for labour? Is it the Liberals? No, it's not the Liberals. Is it the Conservatives? No.

Mr Stockwell: Yes. it was our bill.

Mr Mammoliti: The member for Carleton did the bill. I give the member for Carleton credit. I can just imagine what he had to go through in the back rooms from people like you, the member for Etobicoke, who's not in his seat.

Collective bargaining is very important. Collective bargaining is very, very important. The international unions have, in the opinion of most workers, from what I could see over the last few days in this province, interfered with some of the rights that they have looked forward to for a number of years. Today, hopefully, that

will stop. I believe we're taking the vote later, are we not, parliamentary assistant? We are. It's third reading, is it not? The bill is finally going through, is it not?

Who are the people who brought it through this place, I ask the parliamentary assistant? The Liberals? No. The New Democratic government: collective bargaining rights, commitment to labour, listening, making sure that anything that goes through this place is being communicated and consulted, for that matter. We may even be taking some criticism on consultation.

At times I even think that we consult a little bit too much, but it's also very important. In this particular case I prove my point: Consultation is very, very important. If it weren't for the minister, if it weren't for the Premier, the consultation would not have happened. We would not have sat down with all of the active members in labour and all of the unions to talk about their concerns, to talk about the changes, the amendments, and I believe we even amended a portion of this bill for the Liberals, if I'm not mistaken, Mr Mahoney's amendment.

We even listened to the Liberals, for crying out loud—consultation, very important. This Bill 80 is a prime example of how this government listens. Some will argue that if you consult too much it could prove to be negative for a government because it gives the opposition the chance to organize and frankly destroy any argument that might be positive. In this case, that's not the case. In this case, now more than ever, and as of early yesterday morning, I believe that the consultation that took place was effective. People are happy with it, their concerns have been met and they're living with it.

Work boots—the member for York Mills, I need again to talk about the importance of putting yourself, so to speak, in the shoes of somebody else. I think it's very important. In this case it's very important.

They also talk about us not being quiet. I've got to respond to this comment before I sit down. I vowed to myself that I would do this. They told us that we're not qualified to run the province.

Have you read the editorial in the Star today? Has anybody read the editorial in the Star today? Very clearly the editorial in the Star points the finger at the persons and the party which created this mess all across the country. It talks about the recession; it talks about the debt; it talks about the culprit.

Mr Stockwell: Let's guess. The Tories. John A. Macdonald.

Mr Mammoliti: The member for Etobicoke West asks the question, "Who's the culprit?"

Mr Stockwell: No, I didn't.

Mr Mammoliti: You're the culprit.

Mr Stockwell: Me?

Mr Mammoliti: Your party's the culprit, your ex-federal leader is the culprit, and the editorial talks about that in today's Star. The Conservatives stand in their place and talk about fiscal responsibilities, when we find—are you ready for this, Mr Speaker?

The Acting Speaker: Bill 80: third reading, Bill 80.

Mr Mammoliti: A \$46-billion debt. That's with a B.

I ask the member for Etobicoke West how many thousands of millions of dollars that is?

Mr Stockwell: How many thousands of millions?

Mr Mammoliti: Yes.

Mr Stockwell: A whole bunch.

Mr Mammoliti: "A whole bunch," he says, and it's his responsibility, him and his colleagues, who put us in this mess, and it's in today's editorial of the Star.

So next time you stand up in this place and you ask the questions to the Premier or to any other minister, for crying out loud, on fiscal responsibility, I would suggest you make a simple phone call to your party leaders, to your ex-leader, to your Kim Campbell—

Interjection: She's not quite ex.

Mr Mammoliti: —not quite ex-leader, and ask the questions to them first. You are not qualified any more to be critical of anything this government does.

Interjection.

Mr Mammoliti: You are not qualified. The member for Etobicoke West, not in his seat—

The Acting Speaker: And we're dealing with third reading of Bill 80.

Mr Mammoliti: —continues to heckle. My friend Peter Kormos is putting something on me here. Bill 80, yes. Go give one to my friend across who's not in his seat, my friend the member for Etobicoke West, who is not in his seat. My friend Peter Kormos says: "No way. He doesn't deserve this particular sticker."

Mr Mahoney: George, the rest of them want to speak here.

Mr Mammoliti: There are some people who might want to speak, and I apologize. I think I've gotten all my points across. I needed to respond to some of the criticisms. I'm sorry, Mr Speaker, but this stuff really riles me up. When they stand up and they talk about fiscal responsibility after what we heard last week in terms of the announcement, and after the Liberals quite frankly are ready to pass NAFTA, saying: "Let's do it; let's do it again—"

The Acting Speaker: Third reading of Bill 80, please, the member for Yorkview.

Mr Mammoliti: "Let's bring labour through that wringer again; let's lose another few million jobs; let's do that." Neither of you, Liberals or Conservatives, are qualified to respond negatively to this government when we talk about fiscal responsibility.

The Acting Speaker: Thank you very much. Third reading of Bill 80, I want to remind all members. The member for Mississauga West.

Mr Mahoney: Thank you very much, Mr Speaker. It won't be necessary for you to remind me. I assure you that I will contain my remarks to this bill and to what this government is doing in relationship to this bill.

I guess first of all I should say that the things we're talking about today relate specifically to the construction trade labour movement, as opposed to the trade labour movement as a whole.

Let me start out by saying that I actually agree with

one thing the former member said, the member for Yorkview, one of the View Brothers. I don't know which view it is, Yorkview or Downsview. He said that this government can take credit for this bill and that neither of the opposition parties were prepared to do it. He's right. You want to take credit for this bill? I'm happy for him to take credit for this bill.

1630

Let me tell you something else, to the members opposite. I'm glad we're at this point today in spite of the fact that the government found it necessary to implement time allocation, or closure, to shut down the opposition. It gets very frustrating to continually bang your head against the wall and know that nobody's listening within the government to the democratic principles that are being put forward not only by opposition members, but by a number of people in the very sector that's being impacted.

The gallery may be full today of people in support of this bill. It's not unusual when you have a majority government. The people who are against this bill are resigned to it passing today. In a perverse, strange sort of way, we're almost glad it's over, because it's so frustrating. Things get twisted; reasons for opposition get lost in allegations that are not particularly backed up. Everything gets turned around on you.

So the people who are opposed to this bill by and large are not here. There may be some, but most of them have said: "It's a done deal. We've tried to get our amendments." I'll admit to the parliamentary assistant that they did concur with one of my amendments, which I'll be talking about later on. But it's over. Bill 80 is over.

I say to the people in support of it, you should learn to take yes for an answer.

Mr Norm Jamison (Norfolk): What have you got against union democracy?

Mr Mahoney: You see what I mean? He says, "What have you got against union democracy?" You see how the purveyors try to twist the facts and the realities? Because this bill is a direct attack on union democracy in the most incredible way I've ever seen.

Interjection.

Mr Mahoney: Well, it is. The International Labour Organization says it is. Are they wrong?

Mr Jamison: Yes.

Mr Mahoney: The ILO is wrong, the members are saying. Let me tell you that Canada is a partner in the ILO, that Canada supports the conventions that are passed at the ILO, in the labour movement. Tell me the CLC doesn't. Tell me Bob White doesn't support Shirley Carr. Tell me Shirley Carr doesn't support it. You see, what you're doing, and I understand this, is you're trying to justify a position. So what you do is you take everything and you twist it around.

One thing that's been done with Bill 80: It has been suggested that this is a battle between the international unions and the locals. This is a battle between those dirty, rotten Americans and the poor, downtrodden Canadian workers. That's what they're trying to tell us. We heard deputation after deputation coming before us saying that

was exactly what the issue was.

We heard people who are here in this room today saying: "I'm a proud Canadian. That's why I support Bill 80." Is that then to say that those who are opposed to Bill 80 are not proud Canadians by implication? That is nonsense.

Once again, it is this government attempting to twist this thing around so it can justify the position it's taking of violating the ILO charter, which says that the public authorities in this world shall not interfere in union democracy. That's what it says. This government is running against that International Labour Organization convention and doesn't seem to care.

I predict that there will not be a challenge, by the way. I say to the people in support in the audience, there won't be a challenge to the ILO convention, because they've given up. They recognize that what they really have to do in the construction trade labour movement is be concerned about jobs. What they really have to do is be concerned about the security of their members and the long-term economic position within the economy.

They want to get over this. They do. They want to get over this. They want to get by this. They want to say, the people who are opposed, whether it's Jim McCambly of the Canadian Federation of Labour or whether it's the Provincial Building and Construction Trades Council of Ontario—there's a long list, and these people know it.

Regardless of who it is, they want to say: "Let's get over it. We should not be fighting among ourselves." We should not be losing sight of the fact that the main purpose of any union to exist in its constitution is for the promotion and the benefit and the economic growth of their members and their families.

That is fundamentally what a union is about, and I support that principle. I think the trade labour movement in Canada has proven its importance, its significance over the years in making life better for workers.

I know full well, being fairly close to it growing up, there were times when perhaps the company, perhaps the working conditions, certainly in the Depression years and after, were absolutely atrocious. It was only through organizing and standing strong against the tyranny that was being put in the place by ruthless employers, it was only through strength and unity that the trade labour movement, be it in industrial, be it in construction, wherever you want it, it was only through that unity that they made life better for their members. That is what makes this province and this country so great, because that freedom is there.

Mr Jamison: You made some derogatory comments about unions—

The Acting Speaker: Order, please, order.

Mr Mahoney: Mr Speaker, the members opposite—

The Acting Speaker: The member for Mississauga West has the floor.

Mr Mahoney: You see, what this is all about, with the NDP and the former speaker and the chirping that goes on over here, is everybody wants to throw blame at people for things. I don't think you understand what's

going on in the real world if you want to continue to do nothing but throw blame.

The reality is that many of the people who presented before the committee detailed some problems, no question about that. What's so interesting to me is that the first time I spoke on this issue in this place I had heard from very few people in support of the bill. As a result of the hearings, we did have a number of deputations who came in and who presented problems. I don't dispute their problems. I don't dispute the fact that they have concerns and that those concerns are legitimate concerns.

I said in committee and I say here that if any parent union, national or international, was to in some way unilaterally, arbitrarily come in and do something to the detriment of the working men and women in the local, I would stand shoulder to shoulder with them against that. I have no problem with that whatsoever.

My fundamental problem is the fact that the taxpayers have no business in this. The people of this province are concerned about the economy, about growth, about jobs, about their children, about the future of this province. This is an internal dispute within the construction trade labour movement with some international unions which in the past have been heavy-handed with locals. It is a political dispute within the construction trade labour movement and, frankly, that's where it should be resolved.

What we're going to wind up with here—and, you see, all of the rest of it, all of the stuff we argue about in committee, whether you support an amendment I put, let me just touch on that. My amendment basically said that if an international came in and interfered in a jurisdiction or work or sectoral dispute or a trusteeship, or did something of that nature with a local, there would have to be an opportunity for a hearing to be held at the OLRB and in the meantime, until that hearing takes place, the status quo would remain.

So if the international came along and wanted to remove somebody from a duly elected office, if they wanted to remove somebody and there was a concern about that and a complaint filed to have a hearing at the OLRB, that person would stay in office until the hearing took place.

Mr Cooper: We didn't pass that one.

Mr Mahoney: Yes, you did. You passed the one—

Mr Cooper: Not trusteeship.

Mr Mahoney: Well, all right, not trusteeship. But the principle is the status quo would stay in place until the hearing is conducted, and I believe that's fair. I don't have a problem with that.

What I have a problem with, though, is that the only reason I put that is because if the bill is indeed going to become law, which it has been made clear to all of us it is, because also it's retroactive. It becomes effective not tomorrow morning; it becomes effective, I don't know, months ago, whenever it was introduced, whenever the introduction date was. That's when it becomes effective.

1640

That's a tactic this government has used in so many pieces of legislation, it's just gotten used to it: "I've got

an idea. It's Monday morning. I think we should do something. I'm going to introduce it and we'll make it effective today because we have a majority. It may take us eight, 10 months, a year to make it law, but it won't matter, because I'm going to make it effective today."

Retroactivity is one of the most insidious practices a true parliamentary democracy can use. I admit this is not the first government to use it, but I think it's wrong. The only thing that it can be applied to is a tax bill or something that has an impact that someone out there might be able to use to their advantage. But to do it in legislation that brings in regulations within a union, within an industrial sector? There is no reason for retroactivity, except here's why it was done: The people who didn't come forward in support of Bill 80 apparently did not do so because they feared retribution from the international. So if the bill is made retroactive and those people have a commitment by this government that they're going to carry through with it, then that eliminates any fear they might have of retribution. I can understand that they might be concerned about something like that.

Mr Jamison: No kidding.

Mr Mahoney: No, I admit that. The point I make to you is that the industrial unions—you know, Rome wasn't built in a day. People say that the Steelworkers and the Auto Workers, a classic example, already have the right to disaffiliate.

Mr Mammoliti: It was New Democrats who built it.

Mr Mahoney: Let me tell you, George—listen to me—if this indeed was a battle between the American internationals and the locals, you would have left disaffiliation in the bill. I don't understand—

Mr Cooper: They wouldn't have had jobs.

Mr Mahoney: But just a minute. We heard people come forward flexing their nationalistic muscles and saying, "I support this bill because I'm a proud Canadian"; ergo, if you don't support it, you're not.

Mr Jamison: That's supposition on your part.

Mr Mahoney: No, no. It was very clear in the presentation. Many of the people who support this bill, by the way, would prefer disaffiliation in there. I suggest to you that if you were true to your principles, if you really, truly believed the stuff you say in committee and in here, you would have included disaffiliation, because that then allows that true nationalist Canadian to flex his or her muscles and lead the union out of the international, as Bob White did. You know what? I don't have a problem with that, if Bob White decided, if Leo Gerard decided. It's their call, though. That's the point: It's not yours; it's their call.

Bob White's constituents are the people in the Auto Workers union.

Mr Jamison: You don't understand.

Mr Mahoney: I sure do understand. Leo Gerard's constituents are the people he represents in District 6 and all over this province in the Steelworkers union. If the Steelworkers decide, which they would not do, in my opinion, that they want to disaffiliate from Pittsburgh, God bless.

Now, I understand that these people don't have that right in their constitutions; I do understand that. But Steelworkers and Auto Workers did not get their right with legislation. They got their right through union democracy. They got their right because they fought for it, because they stood up to Detroit and to Pittsburgh and they said, "We want our rights." They stood up to them.

Mr Jim Wiseman (Durham West): They didn't have any fear of losing jobs.

Mr Mahoney: I don't agree. Are you kidding me? The steel industry has been under siege. The auto industry has obviously been under siege over the years. They fought for those rights. If you wanted to encourage that, why not work with those people within the construction trade labour movement who want to disaffiliate, if that's what they want, and negotiate with the parents? I know it won't be easy. I never said it would be. But what you don't understand is that union politics should remain union politics.

Unfortunately, what's happened over the years—and I see the member for Oshawa, Mr Pilkey, whose father was a great trade labour leader for many, many years. He would understand this, because Mr Pilkey Sr comes from that generation of labour leaders who understood that they had to deal with all different levels of government, that partisanship was secondary to their obligation to represent their members with any particular level of government, whether it was dealing with Lester Pearson when he was Prime Minister of this country or John Robarts when he was Premier of this province.

People in the trade labour movement in your father's day and my father's day understood that they had to do business with every stripe of elected government. The reality was that with the exception of Saskatchewan there were no NDP governments to deal with. The reality is they had to deal with Liberals like Mike Pearson and with Tories like John Robarts and John Diefenbaker. They had to. They had to deal with Pierre Trudeau. Pierre Trudeau was a labour leader, a labour lawyer for the Steelworkers, before he was a politician. He understood the trade labour movement, the industrial.

The reality was, though, that everybody in the movement understood that becoming a vice-president of the New Democrats federally didn't do you a lot of good when you knocked on the door of Mike Pearson and said, "I've got to talk to you about some problems in the labour movement." I mean, why would it? Pearson would sit there and say: "Let me get this straight. You're a vice-president of the party that I'm opposed to, so your first priority is to destroy me." I think he might react that way.

They also understood something else, and that is that the vast majority of the men and women in the labour movement are not partisan at all. They don't hold a card in your party or mine, because they have some priorities of their own. You see, this is not a Liberal-NDP thing. That's what you don't understand. The people in Sault Ste Marie explained to me why in steel town, Sault Ste Marie, they would for so many years send a Tory here—some pretty respectable people. Russ Ramsay became Labour minister. Why would they send Tories if every-

body on the floor at Algoma Steel is a card-carrying member of the New Democratic Party? Why would they vote for a Liberal in Ottawa and a Tory at Queen's Park? I don't understand it.

Ms Sharon Murdock (Sudbury): We have some difficulty with that.

Mr Mahoney: Exactly. Now, if you agree with me on that, then you must come to the obvious conclusion. The obvious conclusion is that they are not partisan. That is the obvious conclusion. Even the men and women in the construction trade labour movement—I talked to them. I remember after a committee hearing, quite late at night, a young man was waiting outside by my car for me to come out. He was pro Bill 80.

Mr Mammoliti: Did he have a hammer?

Mr Mahoney: No, he wasn't like some of you thugs.

Mr Drummond White (Durham Centre): Mr Speaker, that is totally out of order.

Mr Mahoney: I'll withdraw that remark, Mr Speaker. I'll withdraw that.

The Acting Speaker: The honourable member, please, that's not very parliamentary.

Mr Mahoney: I will withdraw that remark. I said I withdraw the remark. You don't have to beat me up.

I understand this young man, if you want to hear this story, was on your side on the bill.

Interjection.

Mr Mahoney: I know you were, Al, and I lost it. Come on, don't leave. They got to me.

This young man wanted to understand. You know what he said? He said, "We have a union hall here in town. We have meeting rooms, training rooms," where they were going and meeting with the union and going through educational programs put on by the union. He said: "We don't have enough parking. We want to build a new one."

Interjection.

Mr Mahoney: Listen to this story. I'm talking about a young guy in the construction trade labour movement who's very concerned about his future and his family, a very decent young man. He said, "We want to build a new union hall because we don't have enough parking, and if we don't get Bill 80 we won't be able to do it." I said: "You've got to help me with this. I don't understand. What's the problem?" He said, "The international union can stop us from building our new home." I said, "Have they done that?" "No, but they could." "Do you think they're going to do that?" "No, but—"

Mr White: What are you saying, Steve?

Mr Mahoney: I'm telling you what he said. He said, "No, but they could." So I said, "Well, let me tell you that you guys raise your own dues here."

I have no problem with that, you see. I think that if the local here wants to decide it's going to build a new hall, it should make that decision. I don't think it matters. I've said that in committee. What I don't agree with is that it is the place of government to be interfering in the duly passed constitutions of any trade labour movement.

1650

Mr Pat Hayes (Essex-Kent): You brought this up.

Mr Mahoney: No, I read Mr Peterson's letters, and let me tell you and tell the Premier that what Mr Peterson wanted to do was to resolve the problem. What Mr Peterson suggested in his letters was really quite clear, that he wanted to resolve the problems.

No one is standing in this place and saying that an international union—a parent union, a national parent; I don't care—has the right to run roughshod over the members of a local. No one is saying they should have that right.

Hon Bob Rae (Premier and Minister of Intergovernmental Affairs): Oh yeah?

Mr Mahoney: Oh yeah, I say to the Premier. What I'm saying is that it's up to them, within the democratic system that exists, to work out their problems without involving the taxpayers.

Talk to me about what this bill is costing the taxpayers at a time when this government is close to going broke, when this government is running record deficits and is totally out of control. Instead of dealing with a serious problem at the Workers' Compensation Board, with the Workplace Health and Safety Agency, with all the serious funding problems, what do they do? "We're going to meddle in trade labour politics." You know why? "We made a promise." Bob Mackenzie made a promise, and he's just going to stick his nose in there and he's going to make a bunch of guys happy because I guess maybe they're members of the party, and maybe a debt is a debt to Bob Mackenzie. I don't blame Bob, but to suggest that this is a battle between Americans and Canadians is just such nonsense.

If you truly believe that, put disaffiliation back in the bill. It would be interesting, if that happened, how many would actually disaffiliate. I don't think there would be many. There might be some attempts, the people who hate to be called dissidents who came before the committee. We talked about that. I'm often a dissident within my caucus, as I'm sure members opposite are. It doesn't matter. The Premier makes all the calls. Dissidence does not exist, except for maybe Kormos. Kormos and Morrow are the only ones with the guts. They're the heroes, I guess.

Hon David S. Cooke (Minister of Education and Training): How many times did you separate from your party?

Mr Mahoney: You'd be surprised, to the Minister of Education.

A dissident is someone who disagrees, that's all. I disagree often. I sure disagree with you, I can tell you that much, and you'd better know I'll continue to.

Interjections.

The Acting Speaker: Order, please.

Mr Mahoney: Those who took exception to being referred to as dissidents—

Interjections.

Mr Mahoney: Oh, get excited if you want. The point is that what we have here is a government that has made

a commitment for some reason. There have been suggestions it has something to do with Bob White and the Canadian Labour Congress. Eleven years ago the construction trade labour guys broke away from the CLC. I don't know. I don't know if Bob White cares much. He might think it's small potatoes. I don't know. Hundreds of thousands of workers paying union dues maybe ain't small potatoes. I don't know.

I've tried to figure out the real reason and I can come to only one conclusion: Bob Mackenzie made a promise when he was in the position I'm in as the Labour critic, and I guess he feels that for whatever reason he has to go through with it.

There has been some suggestion that dispute settlement is the big problem, that the locals here in Ontario don't like a dispute being settled by some American who doesn't understand what's going on.

There is a plan, Mr Speaker—and I want to share this with you; I know they won't be interested, but you might—for the settlement of jurisdictional disputes in the construction industry. It's referred to as "the plan." Interesting name. That's what it's referred to as. It's an agreement between the Building and Construction Trades Department and employers who employ members of the organizations affiliated with the Building and Construction Trades Department and who agree to be bound by the plan.

The plan—very important here—is self-financed by the parties to the agreement. So when there's a dispute, whether it's sectoral, whether it's work, whether it's jurisdictional, there is a plan that is in place, that exists. It has been used for some years. In fact, it started, this particular plan, with Canadian administrators dealing with it, understanding what the problems are. It started in 1984. It has been updated as early as 1993. The key point I make to you is that the plan is self-financed by the parties to the agreement.

What we have now is a system where the plan will simply be thrown out and the new plan will be to refer any of these disputes to the Ontario Labour Relations Board. I ask you, might the Ontario Labour Relations Board be busy these days? I understand they just heard a complaint in the Miracle Food Mart dispute and found in favour of the union. I understand they're very busy dealing with those concerns. I understand that.

Think about how this is going to work. It's very complex, this business. Frankly, in the past few months I've learned more about the construction industry and the construction trade labour movement than I ever really wanted to know, I must tell you, but it's very complicated stuff, so if there's a dispute on a job site—

Mr Hayes: Have some sympathy.

Mr Mahoney: Oh, I do have some sympathy, I have said that. There is a better way to resolve this than bringing in government legislation that is going to cost the taxpayers of this province hundreds of thousands of dollars potentially—

Interjection.

Mr Mahoney: Oh, I'm telling you, just follow it through. There's a complaint to the OLRB: "We've got

to find a hearing officer." "Well, okay, but he's busy dealing with the Miracle Food Mart problem." "We'll wait till he's done." "Well, in the meantime, the jobs are in some jeopardy." "That's too bad, the law says we have to wait. We only have one member of the OLRB who is trained and qualified and knowledgeable." That's by the admission of the parliamentary assistant himself in committee. "There will be one person on the board of the OLRB who will be capable of making these decisions, so we've got to wait until he's free." Maybe he's on vacation, or she. Maybe they're on vacation. "They're not available, but we'll wait."

Now we have a hearing. We bring in the sides that are disputing. We've seen how extensive—look at these briefs. These guys don't fool around. They're pretty professional. All of them, on both sides. I've got briefs coming out my ears on this stuff, on both sides. They're going to come in to the OLRB and they're going to take up the Ontario Labour Relations Board's time, and they're going to say, "We want you to resolve this problem."

What in the heck is wrong with the plan that exists today? It works. Ask the Provincial Building and Construction Trades Council. Ask Patrick Dillon, the president. Ask Joe Duffy.

Interjections.

Mr Mahoney: Well, Joe Duffy's one of yours now. Ask him if it works. I even understand Joe Duffy is one of Bob Mackenzie's, probably Bob Rae's, closest friends. Why don't you listen to your friends, you guys? Why don't you listen to your friends? Duffy's upset. He can't figure out why it is you feel this omnipotent, omnipresent, benevolent government has to come along and dictate to the construction trades labour union how they can resolve their problems.

There's an old adage, Premier Rae: If it ain't broke, don't fix it. Why are you meddling in this stuff? Don't you have enough to do? Don't you think you've got a responsibility to the people of this province, to the democratic system, to allow the union guys to sort their problems out among themselves without you bringing in heavy-handed legislation that you know has upset hundreds and thousands of people in this labour movement? They're upset. They don't understand.

It's shameful. At a time when this government should be creating jobs, it's interfering. I think it's dead wrong. I thought it was dead wrong from day one. I'll be voting against this bill, and so will the rest of my caucus, with some pride.

The Acting Speaker: This completes the time allotted to the official opposition. Further debate.

1700

Mr Bill Murdoch (Grey-Owen Sound): I guess Steve doesn't want to quit, but it is my pleasure to be able to speak on Bill 80. I want to tell you, right off the first, that I support this bill, not because the NDP government's bringing this bill in, because what this bill does—and I believe in it strongly—is it gives local autonomy to our local unions. That's the reason I ran to come to this building, that local autonomy must be given to more than

just the unions but to local municipalities. That's what was lacking in this House all along and it still is.

It is ironic that this government over here would bring a bill in like this that talks about local autonomy. As I said before, I certainly am going to vote for this bill and I agree with it. But let's look at what this government does on local autonomy.

We can think back to the time when this government sent David Cooke and Ruth Grier into Grey county. The Minister of Municipal Affairs and the Minister of Environment came into Grey county and said: "We don't believe in local autonomy. We're going to tell you how to run your county because we're the Almighty. We've just got elected and we're socialists and we're going to tell you how to run your county."

Ruth and David both came in there, just stomping and biting at the bit, saying, "We're going to take over." What did they do, Mr Minister, but cause more problems than already existed with the two of them coming in there. They didn't even have the decency to drive into Grey county. They had to fly in, and as fast as they could they flew back out because they knew they were totally wrong, and nothing happened. Grey county continued to do its own thing.

So what does the government do then? What do Mr Cooke and Mrs Grier do then? They decide: "Well, we have lots of money. We're only \$10 billion in debt this year so we'll spend some more money to come down heavy-handed on Grey county." That's exactly what they did. No local autonomy.

What this has to do with Bill 80 is that it talks about local autonomy and that's what we're talking about here. This government has a hard time understanding that. I want to tell you that is why we're talking about local autonomy and that's what this bill will give to our local unions, which is what we want.

But let's look back to what this government—as I say, it's ironic that it would bring in such a bill. The fact is that they set up a whole new ministry in Guelph to keep a heavy hand on the county of Grey, to make sure that it did their wishes, not the wishes of the people. So this government is no better than the internationals that try to control our local unions. They're no better; in fact in some cases they're worse.

Let's look at Bill 120. We had the Minister of Housing say yesterday: "We've got to stop the heavy-handedness of municipalities on our ratepayers. We're going to come down with a heavy hammer on the municipalities. We're going to tell them that their zoning doesn't make a hill of beans, that we can take over and we can put houses and we can put apartments wherever we want to." That is not local autonomy. This government shows lack of interest in local autonomy in many ways, and those are just a couple of them.

I sat through the hearings. Our internationals came into the hearings and they professed that there was going to be chaos within the construction industry if this bill's passed. Well, I tell you I don't think there will be any chaos. We heard of the horror stories from the internationals that people will run rampant now, that things

won't work out without their heavy-handedness coming down on the local unions. That's one of the reasons I think this bill is good. It will give our local unions some local autonomy to be able to decide their own future.

I had many letters from citizens in my riding supporting this bill. Never once did I have one person call me or speak to me from my riding who was against this bill, not once. But I have many letters from different unions and different perspectives supporting this bill. That is another reason why I think that this is a good bill.

It's unfortunate that it has to come from this government that seemed to jump around and it doesn't have a clear message as to where it's going. Obviously, in this case, they have found a clear path and have taken it, and I understand. I talked to the minister about this, as to why they would do this, why they would cause some problems within the construction unions, because they have caused problems, there's no doubt.

I don't believe in government interference. The less government interference you have, the better. I believe what Mr Mahoney says, that we shouldn't have as much interference by the government in any way in other people's matters. But if it all comes down to it that there can't be a solution found and by sitting through the hearings and listening to the local trades they had trouble getting their message across to the internationals, the same as municipalities have trouble getting their message across to this government and in many other cases, government may at this time have to come in.

It was also pointed out that this has been done before by the Liberals and by the Conservative Party. It was pointed out that Bette Stephenson, when Minister of Labour, did something to this effect and most of them liked it at that time. So there has been interference by governments into union affairs and it happens from time to time.

But I want to read some of the things some of the members from my riding who belong to local unions have said:

"No one should lose their job because the international union decides unilaterally to give it to another local union. Changes to the local union jurisdiction should require local union consent."

It goes on to say that local unions should have bargaining rights for all collective agreements. "It is not collective bargaining if workers do not get a say in the process."

What this points out is that the local unions in Ontario were having problems getting their message across to the internationals, just the same way as I've pointed out municipalities have seemed to be forgotten when this government decides to do things. As I say again, when they come into Grey county and tried to take over the planning, Bill 120 shows clearly that this government has no concerns for local people in the local areas.

Another one would show the garbage issue. They come up with the policy that they can't ship it out of Toronto. It has to stay within Toronto. Even though we have a willing host in Kirkland Lake, even though the mayor comes down here and tells them, "We will look after it,"

this government again says: "No, we're the heavy-handed boys and we're not going to listen to anybody else. We know what's right." What does that sound like? It sounds like the internationals to me. They sound the very same.

It is very ironic that this government would bring in this bill. I was shocked when I read over the bill and went to the committee hearings to see this government stand up for it. I would have thought they would have been on all sides with the internationals. But as it points out, somewhere along the line they came to their senses on this bill and have finally come through with a good one, after many tries—as you know, they've been here about three years now, and most of their bills have been very disastrous. I would say all their bills have been very disastrous but this one, and maybe we can go along with them on stable funding.

Interjection.

Mr Murdoch: The member for Chatham-Kent mentions the stable funding bill. I mentioned that also, that they have come up with a couple of good bills. But we must remember on stable funding they messed that bill up so badly the first time they had to throw it away and try again.

The member from Windsor, Mr Cooke, is one of the high-steppers who comes into Grey county and has something to say. Maybe he has a few minutes after so that he'll be able to get up and reply to some of the comments I've made. Maybe he'll be able to explain to us his reasons why he should have all the powers. He is now the Minister of Education and Training, and I think his hidden agenda is to get rid of our local school boards. We can see that, the way he's working around, and then he can have all the control.

Hon Mr Cooke: Let the record show there were no interjections.

Mr Murdoch: If that's his hidden agenda, maybe he would like to stand up and tell us about that sooner or later. He will be able to get up on the floor and tell us when he is going to decide to take over all the education concerns, which he will know all about, I am sure, because when he was Minister of Municipal Affairs, he knew everything there and had no trouble trying to ram his ideas down the throats of all our municipalities. I am sure that's why the Premier said, "Hey, I've got to get rid of this minister before he ruins all our relationships," and he did, but unfortunately he put him in Education, and that's even worse.

Yes, I know, Mr Speaker, you'd like to talk about Bill 80, which I'm talking about, and some of the other things some of the members from my riding sent to me.

"The membership should have a say in how their hard-earned money is used for pension and benefit programs." We heard many times in the meetings in committee how the local people had a hard time getting their point across, again to the internationals. I think it's time that Ontario stood up to them and I'm proud that the local unions agree with this—at least most of them do—and that they're here to say so.

We've also heard that in some instances some people will say they believe the majority of the union workers in

Ontario are against this bill. Well, I don't think they're right on that. I think the vast majority of the union workers, the local guys, the guys who want some local autonomy in their union, are in favour of this bill, and after sitting through the hearings I know they are, Mr Speaker, so I have no problem standing up here and telling you I support this bill also, and I will be voting on it when the time comes.

1710

I read you some of the points that come from the some of the members in my riding. They end up with some of them saying, "These points are absolutely necessary to give workers the right to free democratic participation in their union." The word "democratic" comes in there. I think the government across the way has to look at that word and figure out where it comes in with that word, because I'm afraid it's misused that word.

What I want to tell you about is that we're on closure. Again, this government is afraid to hear and listen to some people in the opposition who might have a difference of opinion with theirs. So what do they do? They bring in a closure bill. That seems to be the norm of the day. I don't think closure bills and "democrat" go together; there's just no way. So I certainly think they will be changing the name of their party, because they use that word loosely but they don't understand the word. As you know, in the past three weeks at least four and maybe more bills have been closed by closure motions. That's not the democratic process. We over here should have the right to tell them what we think of some of the bills they've brought in, especially the majority of them.

It's ironic, again, that they're closing this one. They have some people on this side who do support them, but they don't like to hear the truth. Sometimes it hurts, I know. But in this case, as I've said, I will be supporting this bill and I will look forward to voting on it.

Ms Murdock: I'm very pleased to join in today's debate on Bill 80. We have been involved for quite a while, a long time, in the ministry on the subject, and then of course the committee has been more than interesting with the number of presenters we had.

This is not a new idea, as I'm sure many of the people have commented. It has been around for quite a long time by some union members, and there are a number of people in the members' gallery today who support Bill 80 and who have actually been the initiators of this bill. When the Liberals opposite were in opposition, their leader brought forward a private member's bill on this very topic. It is something that has been a problem and a concern within the construction industry for quite a while.

Those who oppose Bill 80 had a number of concerns from the original bill when it was read into the record in June 1992. The concerns were on section 138.6, which was the disaffiliation provision, and section 138.3, which is the provision of jurisdiction alteration.

I should point out that the 138.6 provision that the member for Mississauga West had mentioned earlier, the disaffiliation, as it was read in that bill at the time, still required parental approval. A parent union had to give

approval to disaffiliation, which in reality was never going to happen. The section really did need to be withdrawn, and frankly I'm very glad to see that this happened.

Section 138.3 has been much more in the discussions, and as a consequence of the presenters who came before the committee and a number of other conversations, it was changed to being complaints-driven. It is now the 15 days' notice by the parent union to the local for any alteration. We as the government members, I think being responsible, agreed with the Liberal amendment that was presented in terms of maintaining the status quo pending a decision from the OLRB.

The other provisions that were presented by the Liberals—there were no amendments presented by the Conservatives—the other amendments presented by the Liberals, many of them, with some changes, were quite similar to the ones the government was presenting.

I would say too that the member for Mississauga West stated in his remarks earlier, talked about "the plan." It is a very valid thing that we have going, but I have to clarify for the member—and this was stated in committee, so I'm surprised that he made the comments today, but it is a clarification—that it deals only with interunion disputes, not with intraunion disputes. I think that there has been some mistake in the interpretation there by the member opposite.

In terms of retroactivity, I think it's really important for the members who have come forward and spoken to the bill, in favour of the bill, because as the member opposite has explained eloquently today in his remarks, there is a fear out there. Unfortunately, it does happen. Luckily or fortunately, I would say that it happens in only a few instances and that the majority of the internationals and locals get along very well. But the retroactivity is important because we heard stories in committee where even handing out a constitution could be a cause for some kind of retaliation by the international, if the international felt like doing it, and there would be no provision to stop it. Bill 80 does that. The retroactivity provision is extremely important for the protection of the worker who has the audacity to speak out.

This is a bill that has been worked on at great length. We have had many problems with it and now we can say that the workers are going to have a chance to speak.

The other thing, and lastly, I would like to say is that in all likelihood those unions that have a good working relationship with their international will never access this legislation and those that don't will have to work ahead before they go into that piece of legislation.

Hon Mr Rae: I very much appreciate the chance to participate in this debate, in fact to wind it up. While doing so I would like to express my congratulations to the Minister of Labour and to the parliamentary assistant to the Minister of Labour, who has worked long and hard on this issue, and say as well that without the commitment and the sense of the finest of traditions of the trade union movement that have been expressed by literally hundreds, indeed thousands, of working people who literally are building this province today, have built this

province, have made it what it is—and not only do they want to build subways and build buildings and build places of work, they also want to build democracy and build Canada and build Canadian values for Canadian workers. That's what this is all about.

I don't often have a speech in me that speaks warmly of my predecessor. I want to just say this: I recall the day in this House, on February 3, 1983, when the Leader of the Opposition at that time, who later on became the Premier with a little help from some of us on this side of the House, asked a question of the Minister of Labour at that time, who was the member for Sault Ste Marie, Russ Ramsay.

He raised an issue involving Local 1059 of the Laborers' International Union of North America. He raised it because it concerned workers he knew in his constituency and in the area around London. He raised it because there was a particularly difficult situation arising between the leadership and the membership of that local and the international.

He specifically asked the Minister of Labour, on February 3, 1983, if he would introduce "immediately with quick passage—I am sure it can be arranged in this House—an amendment to the Labour Relations Act so this matter can go before the board"—referring to the labour relations board—"before there is a trusteeship." He was referring to the decision of the international to impose a trusteeship on that local to deprive the local union of the ability to elect its own officers, to deprive the local union of its ability to provide for its membership.

1720

What happened in that situation? Mr Ramsay said no, he didn't think he could do it. Mr Peterson then brought in a private member's bill and they then wrote an open letter to the Minister of Labour. What did he say in that open letter? He said this:

"I am asking the government to give immediate protection to the locally organized workers from the arbitrary, unfair, unilateral takeover of their local union by the international head office, in this case based in Washington."

"I urge you to introduce amending legislation to the Labour Relations Act to provide a mechanism by which either the international must justify trusteeship before implementation or the local can effectively challenge the action in our courts in accordance with our laws.

"In the longer term, we must consider the broader issue of unreasonable control over locally, democratically elected union executives by the international head office."

That was the position of the Liberal Party, I assume, in 1983. I can tell you that in 1993, this New Democratic Party government stands for union democracy, we stand for local election and we stand for people in this province who are committed to that.

I would say to the honourable members that I've heard a lot of arguments on this issue and I can tell you that I've heard some arguments from people for whom I have a great deal of respect.

I've also heard arguments today from the member for

Mississauga West. I want to say to the honourable member that I listened carefully to his arguments and I think that on reflection, if he thinks about it for a moment, the logical implication of what he is saying is that international trade unions should somehow be beyond the reach of the law of this province with respect to union democracy and with respect to the participation of members and with respect to the protection of pension plan money which is put in by the workers of this province. It's their money. Their trustees ought to have control over it and they ought to be in a position to say something about it if somebody tries to move in and take it away from them.

That's what this legislation is all about, and that's what it does, Monsieur le Président. Ce sont des questions—

Applause.

The Deputy Speaker (Mr Gilles E. Morin): Excuse me for a minute. I would ask the people in the gallery to refrain from applauding. Only the members on the floor are allowed to do so.

Hon Mr Rae: I must say to you, Mr Speaker, that being applauded from the gallery is not something to which I've become accustomed in the last few years.

Mr Murdoch: I wouldn't get used to it.

Hon Mr Rae: Don't worry, I say to our new-found friend from Grey-Owen Sound.

I would say to the honourable member that I've had very candid discussions with some members of the labour movement in the building trades sector who have expressed to me some concern. I think it would be a little naïve of me not to suggest that, yes, this is an issue on which there are differing views within particularly the construction trade unions. I think it's fair to say we've all received a very heavy lobby from varying positions with respect to this question.

I would say to members that we respect the right of international unions to represent workers in this province. International unions have a history which goes back 140 or 150 years in this province. If you go back to the earliest trades in this province, if you go back to the Knights of Labor, if you go back to the construction trades, if you go back to all the trades in this province, they were organized on an international basis, that's true, as are many of our finest industrial unions.

But it's also got to be a principle of Canadian law and of Ontario law that we respect and admit and recognize the fact of the matter that it is Ontario people, it is Canadian people, it is people who come from all over the world to make this their home who themselves want to have some sense of responsibility for the trade unions that in fact they've built. They've built them with their sacrifice, with their commitment. They've built it with their contributions.

What they are saying is that when they feel their right to exercise control over their affairs is threatened because of the exercise of international power that's coming up from the United States, they have to have some mechanism, some means, to go before a labour relations board and say, "Look, this is an issue that requires resolution."

I think it's a right that pertains to the members. It's a

right that pertains directly to this question of democracy within trade unions. All of us want as much democracy, as much right to participate, as much freedom to dissent—the member for Mississauga West talked about the freedom to dissent. I can tell him right now that I've seen a whole lot more dissent on this side of the House in the last three years than I've seen over there. Boy, the new Liberals, you know, the Red Army Chorus over there, they all sing in unison, they all stand up, "Three cheers."

I would say to the honourable member that I don't need to take any lectures in dissent from the members of the Liberal Party. I don't know of any Premier who's had to celebrate as much dissent as I have since becoming Premier on September 6, 1990.

Not only do I support this bill; I believe in it and I can tell members that I've encouraged the Minister of Labour to carry on with it. I had something to do with discussions with the trade union leadership in this province to get this under way, I had something to do with discussions in 1983, when we tried to get something moved and we couldn't and we got a reaction.

Now we're moving here because we're the government and we are in a position finally to do something for the men and women of Ontario who have built the construction trade union and made it what it is, not simply because they're in receipt of some international charter or because some international president flies in at the convention and pats everybody and says, "Here we are," but because they themselves, through their sacrifice and their commitment, their apprenticeship programs, their training programs, what they have provided for their members, their dental programs, their health programs, all the programs that are in place in the construction trades, have put it there with their funds.

All they're saying is, "Give us the right and let that right be recognized in law," that Canadian workers can have something to say about what happens to those funds and what happens to these locals when they're exercising their right to express themselves in the workplace today.

I say this says yes to democracy within trade unions; it says yes to the principle that people have a right to express themselves; it says yes to the rule of law within the trade union movement, just as much as we want to apply the rule of law to every other part of our society. No part of our society can be immune or should be immune from the rule of law. Union members have the right to dissent. That right is guaranteed in the Labour Relations Act. They have a right to fair representation. That right is contained in the Labour Relations Act. They have a right to take a complaint against their trade union to the Ontario Labour Relations Board. That right is contained in the Labour Relations Act.

What we are saying is that in the building trades, membership should have no fewer and no less rights than it does in other locals and in other situations. That is why I am certainly going to be proudly standing in my place in defence of democracy within our trade unions, in defence of the construction trades in this province that have built and that are building democracy today. I say three cheers for democracy and three cheers for Bill 80.

The Deputy Speaker: Mr Cooper has moved third reading of Bill 80, An Act to amend the Labour Relations Act. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1729 to 1734.

The Deputy Speaker: Mr Cooper has moved third reading of Bill 80, An Act to amend the Labour Relations Act.

All those in favour of the motion will please rise.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Coppen, Dadamo, Duignan, Fletcher, Frankford, Gigantes, Grier, Haeck, Hansen, Harrington, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Laughren, Lessard, Mackenzie, Malkowski, Mammoliti, Marchese, Mathysen, Mills;

Morrow, Murdoch (Grey-Owen Sound), Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Rizzo, Silipo, Sutherland, Swarbrick, Waters, Wessinger, White, Wilson (Kingston and The Islands), Wilson (Frontenac-Addington), Winninger, Wiseman, Wood, Ziemba.

The Deputy Speaker: All those opposed to the motion will please rise.

Nays

Arnott, Beer, Bradley, Brown, Carr, Cleary, Cunningham, Daigeler, Eves, Fawcett, Grandmaître, Harris, Mahoney, McGuinty, Miclash, O'Neil (Quinte), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Runciman, Ruprecht, Sterling, Stockwell, Sullivan, Turnbull, Villeneuve, Wilson (Simcoe West).

The Deputy Speaker: The ayes are 60, the nays are 28. I declare the motion carried. Resolved that the bill do now pass and be entitled as in the motion.

Mr Gary Malkowski (York East): On a point of privilege, Mr Speaker: I would like to thank the member for Grey-Owen Sound and say that Agnes Macphail would have been thrilled to see your participation today.

Report continues in volume B.

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Troisième session, 35^e législature

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Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
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Wednesday 8 December 1993

Report continued from volume A.

1740

CONSTRUCTION WORKFORCE
MANAGEMENT ACT, 1993LOI DE 1993 SUR LA GESTION DE LA
MAIN-D'OEUVRE DE LA CONSTRUCTION

Ms Murdock, on behalf of Mr Mackenzie, moved second reading of the following bill:

Bill 123, An Act respecting the Construction Industry Workforce / Projet de loi 123, Loi concernant la main-d'oeuvre de l'industrie de la construction.

Ms Sharon Murdock (Sudbury): Today this House is taking swift action on behalf of the Ontario construction workers who are barred from working in Quebec.

Two weeks ago, Labour Minister Bob Mackenzie introduced the construction workforce management bill following several policy statements on the Quebec situation by Frances Lankin, Minister of Economic Development and Trade. Today, on behalf of Minister Mackenzie, I am pleased to move second reading of Bill 123.

Ontario construction workers and companies wanted to do work in Quebec, and they have faced serious discrimination for far too long—22 years too long. The numbers reveal the sad reality. More than 4,400 Quebec residents now do construction work in the Ottawa area, but fewer than 350 Ontario workers have managed to overcome the many obstacles that Quebec has put up against their working anywhere in Quebec.

Bill 123 places a restriction on employment in Ontario's construction sector. Those construction workers who are residents of a jurisdiction which discriminates against Ontario construction workers will not be allowed to work in Ontario. This prohibition applies to all construction in both the public and the private sectors. As Minister Lankin stated in this House, our approach is to level the playing field between our two provinces.

We expect our actions will convince Quebec—

The Deputy Speaker (Mr Gilles E. Morin): Order. There's too much noise in the House. Please, if you want to hold a conversation, I would encourage you to go in the lobbies. If not, the member for Sudbury has the floor.

Ms Murdock: Thank you very much, Mr Speaker. I do appreciate that.

We expect our actions to try to level the playing field between our two provinces, and among the other provinces, will convince Quebec authorities to do their part in levelling the field, for in the end, Ontario remains committed to the elimination of all interprovincial trade barriers. Nevertheless, our present course must be to take action to mirror the effect of the Quebec trade barriers that discriminate against Ontario workers and Ontario companies.

Ontario has launched these actions on four different fronts, as outlined by Minister Lankin in her statements on September 27 and November 25. In addition to the labour mobility legislation, which is now before you with

Bill 123, Ontario has put in place three other measures that have already had some success, as I will soon tell you.

I should point out that in Sudbury on Friday, we had a construction worker get up and tell the Premier that because of the statements by the minister in September and again on November 25, there has already been a change in terms of the contract work and the tenders put out by the provincial government. He was very, very pleased about that.

The measures that the minister mentioned in her comments were (1) the restrictions on bus purchases by Ontario municipalities, (2) encouraging municipalities, private sector organizations and construction companies to restrict their use in Ontario of Quebec contractors, subcontractors and construction products, (3) the new and restrictive guidelines concerning contracts and procurement for all new construction projects in Ontario's public sector.

As Minister Lankin has stated, Ontario pledges to discontinue all of the above actions just as soon as Quebec removes its trade barriers. Having said that, I'm proud to say that on the tenders that are going out on provincial public sector contracts, there is a statement that no Quebec contractors need apply.

Let me also repeat Ontario's commitment to work with federal, provincial and territorial governments. We are eager to continue multilateral, comprehensive negotiations to eliminate barriers within Canada. It is our hope that these negotiations will produce an agreement by June 1994.

As I begin to review the content of Bill 123, I want the honourable members to be mindful of the extremely high unemployment rate in Ontario's construction industry. In the Ottawa area, one of the most affected by Quebec's restrictions, about 25% of Ontario construction workers are right now without work. The problem has been aggravated by virtually unrestricted access to our construction jobs by workers who are residents of a jurisdiction that discriminates against Ontario workers. The large number of Quebec-resident workers employed in Ottawa-area construction has resulted in disruptions in the industry and has caused social and political tensions.

Enactment of Bill 123 responds to the adverse long-term impact of these problems on the province of Ontario.

Bill 123 permits the Ontario cabinet to designate jurisdictions where the employment of Ontario residents is unduly restricted because of discriminatory laws or practices. They can do that, as per the legislation, on a regional basis, so that if there is a particular region that is more affected than others it can be exempted or enacted, as the case may be. Workers from a designated jurisdiction are prohibited from working in construction in Ontario and employers are prohibited from hiring such workers.

Bill 123 allows exemptions, as I just mentioned, for

affected workers whose skills are indispensable for a construction employer's operations in Ontario, but there must be no other Canadian who is available to carry out that work. The exemption would be for one year and it would have to be reviewed for any extension. You will find the language specific to that in the bill itself.

Violations of this legislation will incur fines of up to \$2,000 for an individual and up to \$10,000 for a corporation. Enforcement would be done by our Ministry of Labour health and safety inspectors under powers adopted from the Occupational Health and Safety Act.

The bill, as drafted, provides for the re-employment of injured workers regardless of residency, as outlined in the Workers' Compensation Act. That is an area that has been of concern to some people who have called. We are aware of those concerns that have been raised about the treatment of those entitlements in this bill. We will consult during the committee process with any interested party on the particular issue and of course we are prepared to consider possible amendments during the committee process. It is a difficult area, because if you're injured on the job you want to ensure that those benefits are maintained and also maintain our integrity in non-Ontario-resident employees. It's going to be an area that I'm sure will come up during the committee process.

There is broad regulation-making power authority in this bill. Exemptions can be granted by regulation, as I was saying earlier, even on a regional basis, in consideration of corresponding exemptions that exist in designated jurisdictions. It sounds very complicated but isn't actually, because there are other jurisdictions as well that have some provisions but not to the same degree of restriction as Quebec does.

This legislation will be reviewed three years after it comes into force and it will be reviewed annually thereafter. The reviews will be conducted by a person appointed by the Ontario cabinet, and that person will prepare reports which will be tabled in this House by the Minister of Labour.

Ontario has consulted with all the major stakeholders on these policies. Our government has met with representatives of industry and labour to listen to their views. Also, as Minister Lankin stated, Quebec labour and business groups were very quick to react to our initiatives. Many have called on their own government to change its policies and practices and to resume negotiations which ended in October.

There has been some discussion about that, and I would point out that this bill wasn't read for first reading till November 25, and despite the fact that Minister Lankin had stated that we were certainly looking at legislation at the end of September, even despite that being in the offing, the negotiations with Quebec ended before the legislation came into play.

The Ontario government is encouraged by some signs that the Quebec government is seriously reviewing these concerns. In response to requests from its own citizens, Quebec has made some minor changes to its policies and its practices. As well, as we've seen on the news in the past few nights, Quebec recently introduced labour legislation that, for Ontario, shows some goodwill. But

the problem is that it would provide only very limited access for Ontario workers to jobs in Quebec and it does not deal with all of the issues we have raised.

In the end, Quebec's recent measures, Bill 142 in its Legislature, have been found inadequate for removing the discriminatory practices for Ontario workers. Ontario has had no choice but to reciprocate, although we do it reluctantly.

After final passage, Bill 123 would come into force on April 4, 1994, and it may be repealed at any time by proclamation.

In conclusion, let me stress that Ontario remains committed to bringing down interprovincial barriers. Ontario will continue to work alongside all other governments in Canada to achieve that goal. I want to repeat Minister Lankin's bottom line: Ontario will abandon its actions as soon as Quebec opens its borders to Ontario workers and Ontario firms. Therefore, I urge the members of this House to pass second reading of this bill and speed it on to final approval.

1750

Le Vice-Président : Questions et commentaires?
Questions or comments?

Mr Anthony Perruzza (Downsview): Mr Speaker, let me just very quickly applaud the member for her comments with respect to this bill. As you will know, there was quite a kerfuffle in this place quite some time ago about this kind of initiative, and I'm really glad to see that we're finally moving so that Ontario construction workers are given a fair shake in terms of gaining access to Ontario construction jobs, because as you will know, Ontarians couldn't go and still can't go, quite frankly, and gain construction work in the province of Quebec while a situation persists where a lot of Quebecers are simply able to come into Ontario and have access to work and so on while Ontario workers are not being treated in the same way on the other side of the border.

Whenever you have to introduce any of these measures, it's not a good or fair thing, but at some point you have to take some initiative to at least try to create a situation where the other side is going to be responsive and where the other side is going to have to, at some point, come forward and say: "Look, we don't want this situation to persist. We want to have access to jobs in your jurisdiction. We're going to allow you access to jobs within our jurisdiction." What this does and says for construction workers in Ontario is, "We're going to improve your situation somewhat." It doesn't make it fair but it does improve their situation somewhat.

I thank you for having the opportunity to put these comments on the record.

Mr George Mammoliti (Yorkview): Very quickly, and from my perspective in Yorkview, the population in Yorkview is quite incredible. A lot of people, a lot of construction workers, have been very clearly waiting by their phone for a call from their employer to tell them that there's a job somewhere in the province that they are most eager to go to. They have been waiting and waiting by this phone. This bill will help them. This bill will give employers the opportunity to phone these people and say:

"There is a job for you and here it is. Now get there."

It's predicted that almost 10,000 Quebecers, quite frankly, are working in the province of Ontario. That's a prediction. I'm not sure how accurate it is, but if it's accurate this is startling: 10,000 Quebecers in the province of Ontario taking Ontarians' work, a lot of them my constituents.

I'm quite proud of the government for doing this and having the guts to be able to stand up to other provinces in this country and say: "Enough is enough. You're not treating us the same way you're treating others and you're taking all our jobs."

This, for me in Yorkview and the construction workers in Yorkview, is a good news item. It's a win-win situation and I can't wait for those persons who've been waiting by that phone to go to a construction site somewhere, to get paid and not worry about their mortgage or any payments they may have had in the past. I can't wait for that person to answer that phone and get to that job site. Mr Speaker, thank you for the opportunity.

Mr Kimble Sutherland (Oxford): This is just a great day for construction workers in the province of Ontario in more ways than one. We have just had the passage of Bill 80, which will protect the rights of individual members of construction unions and locals in allowing them to express their views. Now we have a bill here that helps secure jobs for construction workers in Ontario.

I think that shows great leadership on behalf of this government. I compliment the member for Sudbury on her opening remarks and the leadership shown by the Ministry of Labour and by the Ministry of Economic Development and Trade and the honourable Minister Frances Lankin there as well. This is a very positive move and it's a good day.

I don't support a bill like this lightly in terms of saying we need to do this because we need to show the people of Quebec up and kind of pick up on some of this anti-Quebec sentiment that seems to exist, and unfortunately some of the anti-French sentiment that exists. I know it exists in my own riding.

We need to send a message of fairness, and that's what this is really about, that all provinces within a federation need to try to develop equal rules. If Quebec construction workers can come and work in Ontario, then Ontario construction workers should be able to go and work in the province of Quebec or other provinces that may want to put in similar types of legislation.

Once again, it shows that the government is there to support the working people of this province, construction workers, those little people this party was founded on and has received so much support from. Despite claims from some critics out there, this party and this government do continue to work for the little people and for those hardworking and dedicated people who have helped to build this province.

The Deputy Speaker: Further questions or comments? If not, the member for Sudbury, you have two minutes.

Ms Murdock: I thank the members for their comments. I mentioned that on Friday I had construction

workers tell me that they were very pleased this was happening and that this government was going to do it. It's 22 years that they've been asking for the discriminatory practice to be discontinued. In 1978, the Ontario government did first reading and second reading on a bill very much like this in order to stop the discriminatory practice. It didn't go any further because there was some undertaking that Quebec was going to seriously negotiate.

There have been continuous negotiations with that province by other provinces, as well as Ontario. It is unfortunate, as the member for Oxford has stated, that we have to take this measure, but it's the only way, seemingly, that we're going to be listened to.

It has to change, because we've got all kinds of workers in this province who are without jobs in the construction industry and have no hopes of even looking elsewhere in the other province and are restricted from even going to Quebec. Yet we have Quebec workers who are paying taxes in Quebec, who are buying and building their homes in Quebec, but are earning their moneys and getting their benefits from the province of Ontario. That has to be, at the very least, reciprocal. So I'm hoping for everyone's support.

The Deputy Speaker: Further debate?

M. Jean Poirier (Prescott et Russell): Félicitations à vous, Madame l'Adjointe parlementaire, mais malheureusement j'aurais bien aimé que le ministre du Travail et la ministre du Développement économique et du Commerce soient également présents pour écouter mes commentaires.

Contrairement à mon collègue le député d'Oxford, je ne crois pas que ce soit une grande journée. C'est un projet de loi qui est certes nécessaire, certes à point, mais malheureusement il est requis. Je dis «malheureusement» parce que ça ne peut pas être une grande journée lorsqu'une province prend des mesures contre une autre province. Je ne peux pas dire que c'est une grande journée; je m'excuse. C'est peut-être un choix de mots, un choix de paroles, mais je ne ferai pas sûrement une célébration ce soir pour fêter.

C'est une mesure raide mais, comme vous l'avez mentionné, ce n'est qu'un miroir, une partie du miroir qui nous est retournée. C'est votre quatrième volet qui vise surtout le secteur de la construction, de l'achat d'autobus municipaux. Mais ne vous contentez pas de ces quatre étapes parce que, étant un député venant d'une région frontalière, je peux vous assurer, mes chers collègues, que ce ne sont pas seulement ces quatre volets qui vont régler le problème. Je peux vous le garantir. Ce n'est qu'un premier pas. Il y a bien d'autres choses à faire pour éliminer ceci.

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C'est un jour très intéressant de croire qu'une province comme le Québec, qui a si fortement appuyé le libre-échange international, puisse se contenter de barrières tarifaires et être tellement protectionniste de quasiment ne pas tolérer des échanges interprovinciaux. Je dis, ce n'est pas acceptable.

Mais il n'y a pas juste le secteur de la construction, soyez certains. Par contre, dans votre projet de loi, vous

avez un problème, je crois, de définition. J'ai bien noté les termes que vous utilisez dans votre définition pour ce qui est de la construction. Mais moi, je peux vous assurer que dans ma circonscription, dans Prescott et Russell, il y a des gens qui font des travaux, qui sont reliés de près ou de loin à la construction, mais que vous n'avez pas identifiés précisément dans votre définition du secteur de la construction.

Je pense particulièrement aux paysagistes. Il y a beaucoup de paysagistes ces mois qui ont tenté d'obtenir des contrats au Québec. Ils m'ont raconté les péripéties, les difficultés, pour ne pas dire autre chose, qu'ils ont rencontrées en essayant d'obtenir des contrats au Québec.

C'est évident que nos commettants vont nous poser des questions, vont vouloir savoir, «Est-ce que je suis inclus dans la définition ou suis-je exclus par la définition ?» Donc moi, je vous dis que de ce que j'ai vu dans votre projet de loi, vous avez l'ouvrage à faire de rendre plus spécifique la nature du mot «construction».

Le vécu donc dans les comtés unis Prescott et Russell, dans Cumberland, dans Gloucester même — les gens, au cours de la dernière année, m'ont fortement décrit les deux poids des mesures qui existent entre les deux provinces. Mais pour vous démontrer que ce n'est pas juste dans le secteur de la construction, je pense à ce paysagiste de Gloucester qui a acheté des pots à fleurs fabriqués au Québec, à Montréal, pour son commerce à lui.

Il a décidé, un jour l'année passée, de prendre son propre camion de son propre commerce, d'aller chercher ses propres pots qu'il a achetés lui-même pour lui-même dans une industrie du Québec. Il est revenu chez lui à la fin de la journée avec près de 900 \$ d'amendes.

Ce n'est pas correct. Ça n'a rien à voir avec la construction. Mais vous devez reconnaître qu'un Ontarien qui se rend au Québec pour acheter des produits fabriqués au Québec pour son commerce en Ontario, a récolté près de 900 \$ d'amendes de contravention parce que, entre autres, son essence n'avait pas été achetée au Québec, il n'avait pas les permis requis, il n'avait pas pris un camion du Québec pour faire transporter les produits du Québec chez lui en Ontario etc. Donc, moi je vous le dis : ne pensez pas qu'en jouant avec le secteur de la construction, vous allez clore le débat.

Ce n'est pas juste la maire, on le sait. Madame l'Adjointe parlementaire et bien d'autres, je vous ai entendu décrire et j'ai lu dans vos rapports que vous parlez des 4000 travailleurs québécois qui travaillent dans Ottawa-Carleton et des 350 Ontariens et Ontariennes qui travaillent au Québec. C'est peut-être vrai, mais n'avez-vous pas d'autres chiffres qui parlent des autres régions dans les comtés unis Prescott et Russell, à Cornwall, dans Stormont, Dundas, Glengarry, dans le nord de l'Ontario ? Vous qui venez du nord, n'avez-vous pas de statistiques pour nous dire combien il y a des Québécois qui travaillent en Ontario globalement, pas juste les 4000 d'Ottawa-Carleton, ce qui représente, évidemment, un contingent très important ? Mais ce n'est sûrement pas juste Ottawa-Carleton, quand-même.

Je regarde votre littérature. Pas une fois vous ne mentionnez Prescott et Russell. Pourtant, on sait très bien combien de Québécois viennent travailler dans Prescott et

Russell.

Les propositions du Québec, c'est un premier pas également mais c'est nettement insuffisant. Ce n'est pas correct. C'est ce choix des onze régions, «choisissons-en une.» Les gens de Hawkesbury et de la région, par exemple, peuvent aussi bien aller travailler à Montréal que dans l'Outaouais québécois que dans les Laurentides. En voilà trois régions. Pas question de faire choisir juste une région, de donner préférence quand même aux travailleurs du Québec.

Ce n'est pas vraiment sérieux, les propositions du Québec. Ce n'est qu'un début pour eux. Ce n'est pas suffisant et je ne suis pas satisfait.

Moi, je ne comprends pas, lorsque je peux avoir du libre-échange international avec El Paso et Tijuana au Mexique, que je ne peux pas l'avoir avec Grenville et Gatineau au Québec, juste l'autre côté de la rivière des Outaouais. Pour moi, c'est un principe que je ne comprends pas.

Autres principes : vous dites que vous voulez faire ceci parce qu'il y a un fort taux de chômage en Ontario. Évidemment, c'est vrai. Mais, Bon Dieu, c'est plus que ça. C'est une question de principe avant tout. Même s'il y avait zéro chômage en Ontario, je prendrais la même position : ce qui est bon pour le Québec est bon pour l'Ontario. Ce qui est bon pour l'Ontario est bon pour le Québec. Je veux que vous travailliez, que nous travaillions à éliminer toutes les barrières tarifaires, quelles qu'elles soient, pas seulement entre l'Ontario et le Québec mais entre chacune des provinces du Canada sans aucune distinction. Ça, je vais l'exiger.

Le Québec a tellement plus le libre-échange international dans le dossier. Pourquoi ? Ils n'ont qu'eux-mêmes à blâmer si le gouvernement de l'Ontario est obligé de prendre ce genre de projet de loi. Je ne comprends pas l'indignation de certains politiciens du Québec. Je dis bien «certains» parce que nous savons qu'il y en a beaucoup qui nous appuient. Mais à cause de la puissance des syndicats de la construction, vous avez vu ce qui s'est passé au Québec récemment. Ce n'est pas beau à voir, l'indignation, d'avoir vu la réaction de certains politiciens du Québec lorsque l'Ontario a pris ces mesures-là, comme si le Québec n'avait pas les barrières face aux travailleurs et travailleuses de l'Ontario aux services ontariens et autres projets quand même.

Il y a des questions qui me soulèvent de tout ça. Premièrement, j'ai parlé tantôt de votre définition. Vous excluez des gens, des Ontariens et des Ontariennes, qui se font avoir par les normes du Québec, que vous ne couvrez pas dans votre définition telle qu'elle est énoncée dans votre projet de loi. Ça, je vous le dis tout de suite.

Le deuxième point : les travailleurs et les travailleuses blessés qui bénéficient d'une pension de la Commission des accidents du travail. Vous dites dans votre projet de loi qu'ils pourront revenir au travail en Ontario, combien de temps par la suite ? Est-ce que ça va suivre la loi actuelle ? Ça, c'est aussi silencieux.

Troisième point : que va-t-il advenir lorsque des firmes ontariennes ou des projets ontariens feront face à des coûts supplémentaires parce qu'ils ne pourront pas

chercher des soumissions du côté du Québec ? Que va-t-il arriver ? Quelles sortes de garanties allez-vous offrir pour des projets que vous subventionnez en Ontario ? Quelles sortes de garanties, quelle sorte d'aide allez-vous offrir aux projets de construction en Ontario qui bénéficient de subventions provinciales s'ils doivent arrêter leurs soumissions avec le Québec ou du moins s'en limiter à des firmes ontariennes qui auraient des prix plus hauts ? Allez-vous compenser ? Allez-vous aider financièrement ? Répondez-moi à ça.

Quatrième question : vous dites que l'on va réviser ça après trois ans, après ça à chaque année. J'espère qu'on va trouver une solution bien avant trois ans d'ici — ça me laisse l'impression pour dire, «On a trois ans là qu'on peut respirer, puis on va voir.» Moi, je peux vous dire que, avec mon collègue d'Ottawa-Est, de Carleton-Est et bien d'ailleurs, je crois que nous sommes quelque 45 membres de l'Association parlementaire Ontario-Québec. Nous allons vous aider à essayer d'établir, de maintenir, de garder un dialogue, surtout avec nos collègues parlementaires de l'ouest québécois parce qu'eux, ils nous appuient. Ils ont compris quel prix les travailleurs et les travailleuses québécois et les firmes québécoises vont payer pour l'aspect négatif. Eux, ils l'ont très bien compris. Les marchands de matériaux de construction de l'Outaouais québécois l'ont très bien compris. Les travailleurs et les travailleuses québécois l'ont très bien compris, surtout dans l'Outaouais.

1810

Donc, nous allons essayer de maintenir ce dialogue-là. Nous allons suivre de très près vos démarches. Comme député d'une circonscription frontalière, je m'attends à vous voir faire des gestes continus. Je m'attends à vous voir faire un dialogue continu, de pousser le Québec à abolir sa loi injuste envers les travailleurs et les travailleuses de l'Ontario. Je m'attends à ce que vous nous fassiez un rapport régulier, que vous nous disiez quel est l'avancement, quels sont les pas que vous prenez, quelles sont les difficultés auxquelles vous faites face. Je m'attends à avoir un rapport régulier de la part de votre gouvernement pour connaître le progrès du dossier.

Je m'attends à ce que vous agissiez également rapidement, parce que tant et aussi longtemps qu'on fait ce genre de projet de loi, et peu importe le contenu, peu importe quelles provinces sont visées ou pas visées, c'est un projet de loi que plus longtemps il sera là, plus ça va faire du dommage aux relations. Un tel projet de loi qui reste là longtemps — et je suis bien d'accord avec vous qu'il devrait rester là aussi longtemps que le Québec ne reviendra pas sur sa loi actuelle. Je vais vous appuyer aussi longtemps que le Québec va maintenir sa loi discriminatoire contre l'Ontario.

Mais, c'est important de trouver la solution rapidement. Plus longtemps que ça va rester en place, plus il va y avoir du dommage de fait, et ça, je ne pourrais pas le tolérer parce que nous devons avoir de bonnes relations entre voisins. Je vais vous appuyer dans ce projet de loi-là en dépit des quelques difficultés et faiblesses que j'y vois. Mais je vous demande de rendre compte régulièrement et rapidement de vos gestes et de tenir tous les députés à l'Assemblée législative au courant de ce qui se

passé dans ce dossier-là, pas juste une fois par mois ou une fois tous les deux, trois mois.

As a border member I know what it is to live close by Quebec. The members for Ottawa East, Carleton East, Ottawa South, Carleton, everywhere, and you as northern members would know also that it's not been easy. I guess with hindsight we all have 20-20 vision, don't we? But I've always said that for a dossier to evolve, you need four conditions: the right dossier, the right place, the right time with the right people.

Looking back, it would have been nice if this had never happened. It would have been nice if the Ontario government, either in the Liberal days or the Tory days, had been able to say, "Hey." I guess with the rate of unemployment that we have today, it creates a whole different set of circumstances. Fair enough, but as I said earlier in French, even if the unemployment rate was zero in Ontario, it's still a question of basic principles that cannot be negotiated. Either you have free trade between provinces or you don't. Either you have barriers or you don't. What's good for the goose is good for the gander.

As I say, I would have exactly the same feeling with Manitoba or between Alberta and Saskatchewan or Ontario and Newfoundland or Ontario and Quebec. I want to see these barriers eliminated because we're one country. What Ontarians can do here in Ontario they can do in Quebec and vice versa. I encourage you to find an early solution to this.

We will support you, as members of Parliament individually and collectively, to maintain a dialogue with our neighbours in Quebec, but this has got to stop. I expect you to work on this regularly and to dialogue frequently with us and with the Quebec government to let us know what is happening. We wish you a lot of success so that we can close the book on this and so that you can get the benefit of some of your bill, to proclaim it and stop it as soon as possible and not three or four years down the road.

Ms Murdock: If I might speak to a couple of the issues that were raised by the member, and I won't even attempt to speak in French without some preparation, I agree with what the member was saying. I think Minister Lankin has made it very clear that the interprovincial barriers that exist, period, not just in this particular area but in all kinds of areas on a trade basis in our own country, are amazing and shouldn't be there if we are truly going to have free trade. Forget with the United States or Mexico, we shouldn't even be having those problems on an interprovincial level. So, yes, our main object is that.

Unfortunately, as we know only too well and as you've learned in your tenure here, things don't happen—no matter how logical they may seem—as quickly as many of us would like.

In terms of the injured workers question and the WCB, which is under subsection 3(4) of the bill, there was some talk about whether or not the injured workers should still get benefits. That just goes without saying. Wherever you get injured you're still injured, you get benefits, period. That whole area is still covered whether you reside in Quebec or Ontario.

The subsidization in Ontario: I will have to speak to you about that in more detail outside because I didn't quite understand you. I agree with you that it will not be three years. The idea of putting it in three years is so that it will have to be reviewed, but secondly, hopefully it will be resolved long before that.

Lastly, in terms of regular reports by the minister to the House, I will convey that message to the minister. I would hope that we would do that anyway on a regular basis, and that negotiations will begin again.

Mr Norman W. Sterling (Carleton): I want to indicate my support and my party's support for Bill 123, An Act respecting the Construction Industry Workforce. Back on May 6 of this year, Mr Speaker, you will know that I introduced a resolution in this Legislature which called upon the government of Ontario to take retaliatory action against the province of Quebec dealing with construction workers and construction companies.

I did that in response to the leadership shown by another Premier in this country, Premier Frank McKenna of New Brunswick, who I believe was the initiator of this kind of reaction to interprovincial trade barriers, which have lasted all too long in this province and in this country.

I don't think anyone in Ontario wants to have interprovincial trade barriers so that it restricts movement of goods, movement of people across our interprovincial boundaries. There are many, many interprovincial trade barriers present in our society in Quebec and Ontario. Just this week I raised in this Legislature another barrier which has been raised through the guise of sales tax.

What happened most recently in the Ottawa-Carleton area is that building supply dealers who are going across the border from Ontario to Quebec are now being asked to collect Quebec sales tax, although they have no legal obligation to do so. Not only has it come down to a question of asking them to collect sales tax in the future, but the other side of the coin is not being fulfilled. In other words, Quebec building supply dealers coming over to the Ottawa-Carleton area are not—

The Deputy Speaker: Time has expired, thank you. Questions and comments?

Mr Sterling: I'm sorry, I was under the impression—

The Deputy Speaker: I gave you more than two minutes. We'll come back. Any further questions or comments? Then I'll come back to you.

Mr Sterling: I didn't hear you say that but it doesn't matter, Mr Speaker. I apologize.

The Deputy Speaker: I did say questions and comments.

Mr Sterling: I thought that was finished.

The Deputy Speaker: Further questions or comments? If not, the member for Prescott and Russell, you have two minutes.

Mr Poirier: I want to tell my friendly parliamentary assistant that the WCB question that I was raising with her is that the bill prescribes that an injured Quebec worker can go back to his Ontario job after—yes, I understand that.

My question was, for how long and under what circumstances will that worker be able to maintain his or her job on the Ontario side once that person returns to work? I could see some answers in there, but it wasn't clear for me. Maybe at some other point you could make that more clear for me and others, especially those who—I think the figure was that about 350 Quebec workers are now receiving WCB claims. You would want to make sure that you make it clear for them about what the rules are once they return to their job for how long and the other conditions.

1820

My good friend from Carleton had started to make his speech and I guess he'll continue. I just wanted to use this time so that even though he didn't respond to my comment maybe I can respond to his. When he made his bill at the time, it's not that we didn't believe in his project, but I mentioned earlier the four conditions: the right bill at the right time and the right person and whatever. Maybe it was the right person, maybe it was the right bill, maybe it was the right dossier, but the fourth element was maybe not the right time at that point. Of course, hindsight is always 20-20 vision, and with the great visionary outlook of the member for Carleton, maybe it was a situation that at that particular point in time we preferred to encourage you, the government to have even more dialogue to find out what kind of terrain, of entente we could reach.

Time has demonstrated that that was not easy, that it was not done. If we had known then what we know now, which we could have guessed then but didn't know for sure—unfortunately we have to do what we have to do today.

With that, Monsieur le Président, merci de m'avoir donné l'occasion de répondre. Merci de votre appui.

The Deputy Speaker: Further debate? The member for Carleton, you now have the floor.

Mr Sterling: I enjoyed the summing up. The member in the Liberal caucus said if only we had known then what we know now. I just want to say to him, I did know then what you know now. That was too tempting to let go by.

As I said, I believe Frank McKenna, the Premier of New Brunswick, deserves a lot of credit in terms of taking some very gutsy action in dealing with this issue. This Premier until now, the former Premier Peterson of the Liberal government and the former Premier Davis of the Conservative government, continued to turn a blind eye to this problem, even though it was festering in the Ottawa-Carleton area. I think the government has to take some credit for taking some action. While the House supported my resolution last May 6 to take retaliatory action—most of the members of this House felt it was time to stop discussion on May 6, because that's what they said in this House—it's easier for an opposition member like myself to bring forward a resolution in this forum than it is when you are on the government benches to take the action. So I really do congratulate the minister in taking some action on this.

It's mildly amusing to go back to the debate on May

6 and read some of the remarks, particularly of the parliamentary assistant to the Minister of Economic Development and Trade and of Mr Marchese in terms of his speech during that debate. They were both saying at that time—

Mr Noble Villeneuve (S-D-G & East Grenville): Yes, but they were uninformed.

Mr Sterling: I want to read something from Hansard. We only have to go back five or six months to find inconsistencies and flip-flops among some members of the government back bench. I find it amusing when I read back and look at the logic that was put forward to vote against my resolution at that time.

I will say, however, that the majority of the New Democratic Party members in the House at the time did vote for my resolution. There were 10 who did not vote for it: Abel, Carter, Cooper, Haeck, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Marchese, Gordon Mills and Steve Owens. They all voted against taking retaliatory action and now they're in an embarrassing situation. I doubt if this would be pointed out to many of them on the hustings or whatever, but here they are in a government which is taking exactly the kind of retaliatory action which was put forward in my resolution.

I guess the lesson to learn here is that if you are a government backbencher be awfully careful when they send you out to defend the government. You think you're defending the government, when in fact around the corner your government may take another kind of action which is in support of an opposition member's resolution.

There were arguments used during that time that there are federal and provincial discussions going on across this country dealing with breaking down interprovincial trade barriers and there was a promise by all provinces not to raise any more barriers during a period of time. Well, the barriers we are raising now are in fact raising barriers during that period of time that was pointed out to me on May 6.

However, that's gone and past, and I was happy to bring some focus to the problem. For those people who are watching this evening and wonder what opposition politicians do and whether they have any effect, perhaps my bringing forward the resolution, focusing the government's attention on the issue, bringing some public support behind the position I took, encouraged the minister to take some action. For those people out there who think backbenchers or opposition members can have no effect on government, I'd like to say that perhaps they can have some effect. I'm not taking the credit for all the actions the government is now undertaking, but I'm saying I probably had some small iota of influence in terms of encouraging the minister to bring this kind of legislation forward.

I am very concerned about the kinds of things that are going on now as a reaction to those steps which are being taken under this bill and other policy steps by this government. As you may know, Ontario government contracts now forbid Quebec contractors from bidding. The Whitby hospital, I believe, was a fairly substantial contract. I believe it was something like—

Mr Larry O'Connor (Durham-York): It was \$133 million.

Mr Sterling: It could be \$133 million; the member from around that area, Mr O'Connor, points it out to me. I think that was the first contract which was let in October which had these restrictions on it. These kinds of policies are having some effect on what's happening vis-à-vis the building supply materials in the province of Quebec. I am informed by people who are in the building supply industries that some of the Quebec building supply manufacturers are moving some parts of their operation to the province of Ontario at this very time as a result of the policy steps that have been taken.

In a way, it is unfortunate that these shifts are taken, because these barriers exist on both sides of the border. Quite frankly, it would be beneficial to us as consumers, as taxpayers who pay for the new Whitby hospital, who pay for the roads, to have products manufactured in the most productive and efficient place, be it in Quebec or be it in Ontario. But in order for us to get to that, we're going to have to agree on both sides that because a product is made in Ontario or a product is made in Quebec, we must provide access to the market in both of those provinces for each other's product.

About three or four years ago, I was talking to a former Deputy Minister of Industry and Trade, as it was then called, and he informed me that he could identify manufacturing companies which actually went out of Ontario into New York state because they could do business more easily in the province of Quebec out of the state of New York than they could out of the province of Ontario. That's how far these interprovincial trade barriers have gone; in fact, our international barriers dealing with trade are less in some cases than the barriers which exist across our provincial boundaries. That doesn't augur well for our country in terms of our future as a country and keeping our country together.

1830

I hope this retaliatory action we are taking against Quebec will in fact break those barriers down, because notwithstanding what politicians say, what politicians decide on constitutions etc, if we have people crossing the border from one side to the other to work, to shop, to trade, then our country, in my view, will stay together because when people get together from the province of Ontario and the province of Quebec, do business together, they exchange their views, get to know each other and gain trust in each other, and that's the way you hold a country together.

Those people will not allow their political leaders to talk about things like separation, will not allow their political leaders to take unreasonable stances against another province and will not allow their political leaders to become unduly nationalistic in a provincial sense.

We have a significant number of problems in the Ottawa-Carleton area. I know, Mr Speaker, you're the member for Carleton East and you would understand a great number of these kinds of barriers that exist across our interprovincial bridges that we have in Ottawa-Carleton. I was recently contacted by a business which supplies buses—as you know, the member for S-D-G &

East Grenville has mentioned this many times—and if you don't have a fuel tax sticker on your truck or on your bus and you dare take it across the border into Quebec, you will get slapped with a very healthy fine. For a half-ton pickup truck, I believe it's something like \$750 if you don't have this fuel tax sticker. If it's a bus, it's something like \$3,500.

Mr Villeneuve: Impound the bus.

Mr Sterling: They don't wait around and send you a summons. They take the bus or they take the truck or whatever until you give them the money, \$750 or \$3,500.

We cannot afford to have that kind of animosity between the two provinces. We can't afford to have people going over to Quebec, in effect taking tourists from Ontario to visit and support the tourist business of Quebec and then all of a sudden finding their tourist bus impounded. It's absolutely amazing the extent to which these kinds of things can raise ill feeling among a number of people in Ontario, and I assume the other way as well.

I want to briefly talk about the workmen's compensation provision in this bill, because I can understand the concern of the Ministry of Labour on this particular matter. If we have something like 350 Quebec construction workers who are on Ontario workers' compensation, it's in our interest and in the interest of workmen's compensation to get these people back on the job and, therefore, there is some very reasonable logic in saying, "We won't cut these people off from Ontario employment," as this bill does for other Quebec workers who might come across and work in Ontario.

The only problem that I have with it, and I've spoken to the Minister of Economic Development and Trade on it, is that we should have a date on which this particular section no longer becomes valid. In other words, I believe that the date on which this policy and this piece of legislation were introduced, which was November 25, should be the date on which people who were on workmen's compensation at that time should have the right to get back into the workforce. People who go on to workmen's compensation after that date should not have the chance to go back to Ontario employers.

I'm very concerned that people will play with the legislation, and it won't only be workers who may play with the legislation; it may be employers and employees who play with this legislation. They might in fact consider going on workmen's compensation for a short period of time in order to qualify under this section after November 25 and thereby get around this particular law which would prohibit them from working in the area.

Mr Mammoliti: Is that honest?

Mr Sterling: It's not honest. I know it's not honest and therefore you have to be concerned about that. If you want a piece of legislation which works, it has to have integrity, it has to be as closed as you can make it. You try to make it as tight as possible.

I would say that in doing that I and my party would be quite willing to give the minister a degree of discretion, after November 25 and, I believe, before April 4, 1994, on anyone who did go on workmen's compensation. I would give the minister discretion to make a discretionary

decision as to whether or not they would fall under the bill. There may be legitimate cases where somebody is working on the job and is injured for a lengthy period of time and then wants to come off of workmen's compensation and go back. I think they should be offered work in Ontario in order to get that person off.

I'm not just quite sure what section 54 of the Workers' Compensation Act provides. Does it mean that if I am off under section 54 for two days on December 8 and 9, and go back to work on the 10th or the 15th, then I'm out of the prohibition against working? I would appreciate the parliamentary assistant perhaps providing me with some information as to what it takes to qualify under section 54 so that when you come back off compensation you do qualify to work in Ontario in construction.

I'm interested in the suggestion by the member for Prescott and Russell that perhaps there should be a limitation on the time that particular worker could work in the construction industry in Ontario, perhaps a year, some reasonably long length of period of time in order to still have the encouragement to get back to working in the construction area.

It's pretty hard to justify why one worker who is coming off workmen's compensation, is fully recovered, is back and working in the construction industry, should be allowed to work in the construction industry a year after this legislation kicks in if somebody else has to be sent off the job because they weren't on compensation.

I think it's going to be hard for the construction workers to understand. Therefore, there might be a consideration of some kind of period of time that this obligation or right extends on.

I just hope that this law, quite frankly, will never be proclaimed. I hope it will never get to the situation where on April 4 we have to close the door in terms of construction workers coming across from the province of Quebec. I hope the Quebec government will take some remedial action vis-à-vis allowing Ontario workers to go across there.

I know that in some of the Ottawa construction businesses—I was talking to the owner of a very large electrical firm which has something like, I believe it was, 220 or 250 employees. Half of his employees come from the province of Quebec and they are darned good employees. He's very concerned because these have been long-term employees. He feels a great deal of loyalty towards them.

It's going to be tough for the owner of this business to be able to keep his business going as best he can during this recessionary period when he'll have to bring in new workers who will not have the same knowledge of his company and will not have the same kind of company morale which he's been able to generate among his workers. Therefore, it's going to be a very tough period to go through.

We will, however, support the government with this action. We hope the government continues to take further actions.

I was mentioning in dealing with the wrapup of the speech from the member for Prescott and Russell where

we are facing a bad situation dealing with provincial sales tax in Ottawa-Carleton. Quebec Ministry of Revenue came in to building supply dealers making the statement that they were there to see how much building supplies were being delivered from Ottawa into the province of Quebec.

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They were asked before they were given access to these businesses' books, "You understand that we have no legal obligation to collect Quebec sales tax when we deliver a load of lumber over in the province of Quebec?" and the Ministry of Revenue officials from Quebec said, "Yes, we understand that and that won't be your obligation." Well, they went through I believe eight or—

Mr Frank Miclash (Kenora): On a point of order, Mr Speaker: The member is bringing forth some very important information here. I do believe there should be a quorum in the House.

The Deputy Speaker: Is there any quorum?

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Deputy Speaker: The member for Carleton.

Mr Sterling: Thank you very much, Mr Speaker. I was just relating to the Legislature the problem that we're having in Ottawa-Carleton vis-à-vis the Ministry of Revenue from the province of Quebec, and I was saying they gained entry and cooperation of many of the building supply dealers in the Ottawa-Carleton area by saying to them, "We are not here to enforce or say to you that you have a legal obligation to collect sales tax if you deliver material over in the province of Quebec."

Subsequent to going through all of their books, and these companies were quite cooperative with the province of Quebec Ministry of Revenue officials, they came into these businesses and said, "You are responsible for paying all of the back Quebec sales tax on all of the material you have delivered over to the province of Quebec for the last three, four or five years." One of the assessments, I believe, was something like \$380,000, another was \$230,000, and you can imagine in a recessionary period of time what this means to building supply dealers who were struggling very much.

Now these same building supply dealers who were on the Ottawa side are very, very much chagrined about the fact that building supply dealers over on the Quebec side are continuing to bring loads of lumber across to the Ontario side but are not collecting Ontario sales tax. We have a difficult problem here. We have people on both sides of the river crossing over to the other side of the river selling material without sales tax.

Both the province of Ontario and the province of Quebec are losing, and because we have not been able to cooperate between provinces, we, the taxpayers, are losing I don't know how much money. I know that one company from the province of Quebec coming into the province of Ontario is doing about \$10 million of business in the province of Ontario. That's about \$700,000

that we're losing in sales tax to our Ontario government. That means we have to collect that tax some way other than through collecting sales tax on goods sold in Ontario.

The whole idea of the Ministry of Revenue officials from the province of Quebec coming in and saying all of sudden, "You have some kind of obligation to collect tax for our province" is something which has sparked a very big concern among these people. They have come in and they've seized the assets of these Ontario building suppliers who are located in Quebec, their assets collected in Quebec.

In other words, if somebody owes them some money in the province of Quebec, the Ministry of Revenue is going in to that particular business in the province of Quebec and saying, "You owe money to a building supply dealer in Ottawa-Carleton. We're seizing that receivable, the money you would have paid them" and therefore taking that money.

There is also concern that they will be seizing the trucks of these businesses as they go over from Ottawa into the province of Quebec. Consequently, what has happened is that many of the building supply dealers have stopped doing business in the province of Quebec because they cannot afford to have their trucks seized by the Quebec Provincial Police.

Meanwhile, outfits, building supply dealers like Pilon Lumber, are continuing to come across with loads of lumber, delivering them into Ontario without collecting sales tax. Our building supply dealers are saying: "Hey, we want a level playing field. If we can't go over into the province of Quebec and sell over there, then why should the province of Quebec building supply dealers be allowed to come over into Ontario and sell their building supplies here?"

I believe that both provinces' building supply dealers should be able to go both ways, and what it requires is cooperation between this provincial government and the provincial government of Quebec to get together and say: "Hey, we're both losing sales tax. This is unfair because you order it from somebody across in the province of Quebec that you don't pay sales tax in Ontario, but if you order it in your own province you do pay sales tax."

Guess where the consumer is more likely to buy their lumber or whatever the particular matter is? It's happening basically on a number of large ticket items, furniture, appliances. Those kinds of businesses are continuing to go across the border and the recipient is not paying sales tax to either province.

There was an agreement some time ago where these businesses would supply lists of the people who bought those goods in the other province. In other words, Ottawa-Carleton businesses would give the address and the price of a fridge or a stove which was bought by somebody in Quebec. They supplied these to the Ministry of Revenue officials in the province of Quebec, and I believe the same thing was done.

This practice was discontinued, I believe, four or five years ago. I talked to the Ministry of Revenue officials in the Ontario government in the Ottawa area and there

seems to be no understanding why that practice was discontinued.

To me, it is totally unfair that we are allowing people to get away without paying sales tax when other people have to pay sales tax. We're almost encouraging a black market, the two provinces, by not coming together with some kind of reasonable solution to a problem which doesn't seem to be that difficult to solve.

Getting back to the irritants that arise. I was told by one constituent vis-à-vis the construction workers—this woman owned a business in Quebec, she had a head office in Quebec. She had a 19-year-old son who one evening went over to Hull, Quebec, to sweep up a job site. Somebody on the job site knew that this young fellow did not have what they call a "work competence card" which the government is very, very reluctant to pass out, particularly to Ontario residents.

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The police came in and actually took this young lad off the job, who was sweeping up and was the son of the owner of the business, actually took him and dumped him on the Ontario-Quebec border and demanded of him \$500 and fined his mother \$2,000 and would not give her a hearing on the matter at all. She was not entitled to have any hearing to put forward her position regarding this fine.

We just can't afford to have that kind of nonsense going on by either side in dealing with citizens of the other province.

We have a lot of people who are very, very concerned when you drive around in some of the subdivisions where there is some work going on. In the city of Kanata, which I represent, we've still been able to have some growth in that area. When workers drive around and they see all the Quebec licence plates on the pickup trucks of the carpenters and the plumbers and the electricians who are coming from over that area, it causes a great deal of consternation among the construction workers who don't have a job.

This has caused a great deal of ill feeling among a lot of people in the Ottawa-Carleton area, and I hope that this will give the impetus to the Quebec government to react and allow our workers to go across over into Quebec and work there as freely as possible.

I don't think we can say anything more, but I really do look forward to the hearings that we would have on this bill over January, February or March—I believe it's going out to committee. I think those hearings could be very constructive. I think they could be very constructive in terms of bringing to the fore the kinds of concerns that individuals have about these kinds of barriers to their working in their own country, and I say their own country because that means for people working in the province in which they do not reside.

I look forward to working with the minister to try to perfect the bill as well as it can be. I don't think there are a great number of bills that try to do this. We will probably hear some lawyers come in and say there are some constitutional problems with it, and if that's the case, so be it. We'll have to deal with that as it goes

along. I still encourage the government to proceed, notwithstanding what some people might say on the constitutional arguments.

I again want to say that we will support the bill and look forward to the Quebec government coming around and providing reciprocal rights for Ontario construction workers going to Quebec, and when that happens we can deep six Bill 123, which I hope will not be in the too-far-distant future.

The Deputy Speaker: Questions or comments?

Ms Murdock: Just to respond to some of the comments from the member for Carleton, I don't think there is a member in this House here who can't say often enough that there should be no interprovincial trade barriers, period. There shouldn't be. You can repeat it and repeat it and hopefully maybe those who are doing the negotiating will be listening.

In terms of workers' compensation—and I would point out that it is workers' compensation, not workmen's compensation—the date of coverage under section 54—that's the rehab provisions, for the member for Carleton—under those rehabilitation provisions and return to work, firstly, you must have been an employee of the company for a minimum of one year before you have right of recall; secondly, and I think this would suit some of the comments that were made by the member for Carleton, the duration of the obligation by the employer is that he's obligated to re-employ the worker for two years following the date of injury or for one year from the date that the board has deemed he or she fit to return to work; or thirdly, it is until the worker reaches the age of 65. So there is a termination date basically built in within the Workers' Compensation Act.

The date of coverage to discontinue to be November 25 instead of April 4, with ministerial discretion: I'm sure we'll hear more about that at the committee and I look forward to that.

Mr Chris Stockwell (Etobicoke West): I would like to firstly applaud the member for Carleton, not only for his speech today, but this is an example, Bill 123, of what a private member can do in opposition to affect government policy. You and I both know, and I'm sure even the government members themselves know, that this bill would not be being debated today or discussed or even printed if it were not for the member for Carleton in the Progressive Conservative caucus.

I will bring forward the fact that he questioned the government on this for a number of days straight. He put forward a very sane and responsible opposition position to the issue of cross-provincial labour and the fact that we were being discriminated against by the province of Quebec. He brought in provincial motions and pieces of legislation that were passed in other provinces. He wrote his own bill. He gave speeches and he really persevered and put this on paper and brought this to the attention of the government for the people of eastern Ontario and particularly in the Ottawa-Carleton region itself.

Earlier tonight the member for Yorkview was ranting, which was particularly offensive, suggesting that Bill 123 would never have been brought forward by a Conserva-

tive government, that we were disinterested in labour bills, that we were disinterested in labour and the workers of this province. I say to that member across the floor, through you, Mr Speaker, about my friend from Carleton, that that could not be any further from the truth and that this debate today is proof positive that this caucus not only has concerns about the workers in this province, but we are diligent in bringing forward pieces of legislation that are not only acceptable to this provincial jurisdiction, but we can also once in a while get a sane, positive piece of legislation adopted by an unwilling government.

Mr Rosario Marchese (Fort York): Some comments on this debate: I was one of the few who in the beginning supported the process the minister had initiated because I feel that being part of that process is an important thing to do, that if you had decided at that time, while you were in negotiations, to do this, it would have been the wrong thing to have done. So what did we say at the time? We said that the minister was negotiating with Quebec, with the other provinces, trying to sort this out in a way that did not create more difficult barriers between the provinces, but rather saying, "Let's sort it out."

When that didn't work, the minister came back with a proposal that clearly the Tories like and I understand that, that the Liberals like and I understand that as well. We had some of the same problems with some of the Liberals who were also saying similar things at the time as well, if I recall correctly—perhaps not. We are committed to negotiating in good faith, and when that doesn't work, you bring in the appropriate legislation and that's what we have done. That's what we should all be committed to doing.

I want to be able to thank our government through our minister for having done the proper thing, for saying that we need to sit down together, that we need to break down interprovincial barriers, and that if it doesn't work, then we propose this as a way of making sure that the province of Quebec, and indeed all provinces where there are barriers, begin to sit down and encourage this kind of interprovincial discussions that we're having that will force Quebec to do the right thing.

So I praise this government and I praise this minister for having done the right thing.

Mr Hans Daigeler (Nepean): I have just a few comments, because I will get an opportunity later on to speak at some length on this bill itself.

I am aware that the Conservative Party is trying to make this more or less a very partisan issue and is trying to say, as the member for Etobicoke West just said, that this bill is really the result of the work of the member from Carleton. I can understand that, that inside the Conservative caucus obviously they're trying to pat each other on the shoulder.

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But the reality is that this bill is before us at this time because of the recession, because there are a lot of people who are out of work, and that question of not being able to work on the other side of the river in the Ottawa-Carleton area, whereas there are workers from the other

side who are able to work in Ontario, is much more acute now than it ever was.

There's also the question, of course, that the Quebec government itself—and again, I will address that at some length later on—is willing to address this issue. We have had people in fact visiting us this year from the Quebec assembly who very clearly said to us that they too feel there is an injustice and they want to address it.

So I think the timing of this matter really relates very much to the way we find ourselves in the country at the present time, after obviously the defeat of the Charlottetown accord, where there was frankly a lot of hope as well that some of these trade barriers that exist would be broken down as part of the constitutional process. Unfortunately, it didn't go through.

At the present time, at least, there doesn't seem to be very much happening in terms of leadership from the federal government as yet to take down those trade barriers. I certainly think that is the reason why we have that bill before us.

Mr Sterling: Quite frankly, I don't care who gets credit for this. I think it's good that we're doing it, and let's get on with it.

Mr Mammoliti: Hear, hear. I agree with that completely. Maybe somebody else was in here to listen to that statement. The member certainly has contributed in the past. I remember that debate distinctly in the House, and I voted in favour of it back then. I agree that he, as well as others in this place, have had a lot to do with what we're talking about right now and the bill itself.

However, I want everybody to remember that it took us about 22 years, if I'm not mistaken, to get to the point that we're at. Our people in this province have been complaining for 22 years, and we can't forget that.

While some people will stand up in this place and they will say we need to be sympathetic towards people in Quebec, for instance, people in areas of the country, other provinces, quite frankly, I am one of those who has a small chip on my shoulder. I do because I've heard the complaints in my riding.

For years, the construction workers in my riding have complained about this particular item. They have for years been left out of work because others have beaten them to it or have qualified before them, and those others happen to be individuals who live outside the province. They have contributed for 22 years and have asked other governments to do exactly what we're doing today.

The Conservatives, as they stand in this place and talk about it—and one of them even introduced a private member's bill that's very similar to this one, as I said earlier, and his colleague wants his name to be on our bill because he believes that it's his bill, so to speak—can't remember that 22 years ago it was the Conservative government that was listening to the complaints of the province. How quickly we forget.

We're going to hear more Liberals speak on this issue as well. Quite frankly, while I respect some of them in terms of their saying, "Let's be sympathetic," I want them to remember that an individual like myself has been hearing this for a number of years now and I am, quite

frankly, upset. I'm glad that we're doing this.

When I see statistics like 4,400 people in Ottawa who happen to be Quebecers, who happen to live in Quebec and work in Ottawa, when I see those statistics and I know that there are 4,400 families that could ultimately have jobs in Ottawa in a time of recession, when the economy is as bad as it's been, that frustrates me.

It frustrates me and it frustrates my constituents. My constituents also are aware of the estimated 10,000 individuals, families that are out of work in the province of Ontario because others are coming into the province and taking our jobs.

While some people might say we need to be a little more sympathetic, I want them to remember the situation at home, here, and the number of people in the construction industry who have had to be placed second or third perhaps in the line for work, giving it to somebody else who doesn't even live in the province. That to me is frustrating. Forgive me for not being as sympathetic as some others might want to be in the House, but I can't be. I apologize to a degree to some who would want me to be.

My constituents wanted this particular bill and this government has produced this bill. This has been a wonderful day for construction workers, as my colleague said earlier. In a matter of two hours we have managed to represent Ontario construction workers to a degree that they have never been represented before in the history of this province.

Mr Villeneuve: I will prove you wrong.

Mr Mammoliti: The member across says he'll prove me wrong. Unfortunately, I can't speak to this particular bill for that long because there's a number of individuals who want to get up and talk about this. But I would love to sit here for a good hour and debate this bill with the individual across.

What does "construction" mean in this bill, for the people who are watching at home?

"'Construction' includes all work in or about....constructing, erecting, demolishing, repairing, remodelling, decorating or altering the whole or any part of a building or structure....laying pipe...above or below ground level....excavating, tunnelling, fencing, grading, paving, land clearing and bridging...."

Streets and highways, in terms of building, are included as well.

How many of these people are in that industry? I ask this question to the people who are watching this tonight at home. All of these people now have a better chance in this province to get a job in the construction industry. Why? Because those 10,000 people who are currently holding up positions in this province and who happen to live in Quebec or other areas of this country, other provinces, no longer are eligible for those jobs. Why? Because of this bill.

This is a wonderful piece of legislation. This is 22 years late, but with a do—New Democratic government it's been possible. I stumbled there. I didn't mean to stumble, as I hear some people laughing in the House. But this is 22 years late.

Madam Speaker, section 3—

Mr Drummond White (Durham Centre): We're not doing clause-by-clause.

Mr Mammoliti: We're not doing clause-by-clause. I'm just pointing out the areas of the bill that I like.

Subsection 3(2): "No person shall employ an individual who is ordinarily resident in a designated jurisdiction to work in construction in Ontario or to supply services relating to construction in Ontario."

What does that mean? It means that individuals who happen to work for companies from Ontario—and the member for Carleton pointed this out—but reside in Quebec are no longer eligible for these jobs. The people in Ontario are eligible for these jobs.

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The member for Carleton mentioned that these people are qualified people and we feel sorry for them. Quite frankly, we do, but what about, in terms of the example he gave earlier, that particular company where half of the people reside in Quebec? What about the people in Ontario who could ultimately and who are just as qualified to do that construction work? What about those people? Why can't they work for that company?

Where's our sympathy for the people who are in the construction industry here and are having to rely perhaps even on welfare because there's no work? What about those people who could ultimately, the people on welfare who have been used to working construction all of their lives, the people who come home with bloody hands, calluses—

Mr Ted Arnott (Wellington): Callused hands, blisters.

Mr Mammoliti: —blisters, what about those people? Who feels sorry for them? What about my constituents? These are my constituents. We stand up in the Legislature here and we say, "Let's have some sympathy for the people in Quebec." Well, what about Yorkview? What about Downsview? What about Scarborough? What about all of those construction workers up north? I ask every member in this place, yes, to be sympathetic, but remember who comes first.

In my opinion, we are the representatives for this province. Our people should always come first. While, as other people have put it, free trade is important and interprovincial trade might be important, our people should always come first. This bill is a prime example of this argument and I'm proud of it.

I wish I could stand up here for another 20 minutes and speak on it, but I know I have other colleagues who would like some time to do that.

Mr Villeneuve: I want to congratulate the member for Yorkview for his participation in the debate. I realize that he lives in an area where the economy slowed down much later than it slowed down in eastern Ontario. If he were living in, around or close to the city of Cornwall or the riding of Stormont-Dundas-Glengarry and East Grenville, where a major construction project may be going on in Cornwall and the contractor comes in from Quebec with entirely Quebec labour, those are very difficult things not only to accept but to try and explain.

When something like this occurs, sometimes stories tend to get stretched, particularly when the economy has 20% unemployed. The Ottawa area had basically Quebec people rooming in Ottawa and the province of Ontario, working on construction and going home on the weekend to the province of Quebec.

I'm sure the member for Yorkview understands to a degree, but I happen to represent an area that is on site and it was very difficult to attempt to explain to the people who could have done the job, and indeed the jobs were taken by out-of-province people, particularly from the province of Quebec. It created a lot of bad blood and animosity between the two provinces. Of course, we have some people who have some linguistic hangups and that entered into the scenario as well.

I say to the member for Yorkview, I'm pleased and I am very happy that he understands and that his government did take the initiative after the member for Carleton's private member's bill, which I think brought to a head a situation that had to be addressed. It had to be addressed with strong, effective measures. These, I believe, are strong, effective measures. We've got their attention. I'm sure it'll work.

Mr White: I am pleased to rise to commend my colleague. My friend—may I mention his name? George Mammoliti from Yorkview—has been a tremendous fighter on behalf of the construction workers in our area. When he mentioned that people would say, "Well, what difference does it make to us here in the greater Toronto area? What difference does it make for construction workers here?" he's right, it does make a profound difference because there is quite a ripple effect.

I'll tell you that many construction workers in my area, in Bowmanville, Whitby and Oshawa, have come to me previously and they have said they are so pleased that our government is finally taking action, taking action that previous governments never did to protect their jobs, to protect their livelihoods, to ensure that labour here in Ontario is given a status at least equal to that of construction labourers from Quebec. They have felt for far too long that the previous federal government and previous provincial governments didn't care about their plight, their unemployment, their circumstances.

They are like my friend from Yorkview, very pleased that this government is investing so heavily in infrastructure. They are pleased that this government is investing in Durham College's new centre in Whitby, the skills training facility. They're very pleased that this government is investing in the Whitby Psychiatric Hospital, creating 2,600 jobs in construction, and they, along with my friend, are pleased that this government is acting decisively about an irregular and unfair situation in regard to Quebec labour.

I want to thank you, Madam Speaker, for giving me the opportunity, and I thank my friend from Yorkview.

The Acting Speaker (Ms Margaret H. Harrington): Further questions and/or comments? Seeing none, the member for Yorkview has two minutes to respond.

Mr Mammoliti: I want to thank the members for East Grenville and Durham Centre. In response to the—

Mr Marchese: Monsieur Villeneuve too.

Mr Mammoliti: Monsieur Villeneuve. This is just typical, typical, typical of the Conservative Party. When you disagree with us, when you disagree with us in principle, you stray, you complain, you criticize, as you should perhaps—not as much as you should, I don't think, but you should. But when you agree with us, it's very hard for you just to come out and say, "New Democrats, you've done a good job here." Why do you want to take the credit? Why do you want to give the credit to the member for Carleton?

Mr Marchese: But he contributed to the debate.

Mr Mammoliti: Yes, he's contributed. But what I'm hearing is, "Let's give him all the credit; it's because of him that this has happened." I assure you it's not just because of the member for Carleton that this has happened. This has been a combined effort from everybody. This government, the New Democratic government made this possible.

For 22 years of both Conservative and Liberal governments, nobody listened to the construction workers. They were complaining about lack of work. We are the only ones who have listened, and now everybody wants to take credit for it. Everybody's standing up and saying, "It's because of us that this is possible." Give me a break.

The Acting Speaker: Now we will look for further debate. The member for Ottawa East.

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Mr Bernard Grandmaître (Ottawa East): I think we should be looking at the reason why we are debating Bill 123 instead of trying to take credit, like the member for Etobicoke West saying: "Hey, we are the 11th commandment of the province of Ontario. We should take credit." I think we should all be taking credit for this bill. This is a regrettable moment, as the Ontario Chamber of Commerce put it; the Ontario Chamber of Commerce called the Ontario actions "regrettable but necessary."

I think we should go back. As the previous speaker pointed out, these kinds of negotiations have been going on for the last 22 years. Can you give—?

Interjections.

The Acting Speaker: Conversations across the floor are not helpful. The member for Ottawa East has the floor.

Mr Grandmaître: Good. I've got the floor. As I was saying, I think we should be looking at the seriousness of this bill because when we introduce, or we retaliate against a province, against a neighbour of ours, I think there is a price to pay. I think Ontarians, as Quebecers, will be punished by this bill for the simple reason that we didn't act properly, as a government, 20 years ago.

I can remember, back in 1975 when I was part of another world—I was the mayor of a small municipality—having a meeting with the then Premier of the province of Ontario, Bill Davis, and the Minister of Labour, Robert Elgie. Back in 1975, I brought this very problem to the attention of the Premier of Ontario and I was told, "Don't rock the boat."

I think sometimes we have to give the government

credit for what they're doing and today I think is an opportunity to give the government credit because, after all, they are moving on a subject that's been a thorn in everybody's side for a great number of years.

I think it's important—

Interjections.

The Acting Speaker: I'm sure members would like to be able to hear what the member for Ottawa East has to say. Order. Please continue.

Mr Grandmaître: Thank you, Madam Speaker. What really surprises me about the action of the government—and I want to be on record with this issue—I realize that the member for Carleton brought in a resolution, which some of the members from the government voted against, but I'm proud to say I brought in a resolution asking the government to start negotiations with the government of Quebec and it was accepted unanimously. I think we should all take credit for what's happening today because I think it's about time we started looking at interprovincial barriers.

Strange enough, back in 1984 when the Tories were in power in Ottawa, they preferred to talk about free trade with the US, and now with Mexico, and not with our neighbours from Quebec or any other province in Canada—

Interjections.

The Acting Speaker: I have asked members to listen.

Mr Grandmaître: I think they should be going back to the media party because some of them are still partying, Madam Chair. Maybe they should go back to the media party. Maybe they'd get more attention.

Mr Stockwell: I'll call a quorum.

Mr Grandmaître: Well, you can call a quorum. I think the discussion that's taking place in this House today is most important for the simple reason that we have to find a way or ways to resolve our interprovincial barriers.

I can recall, when Monte Kwinter was the Minister of Industry, Trade and Technology back in 1989, he was saying, "Ontario stands alone at the federal-provincial meetings in pushing for the dismantling of interprovincial barriers." Well, back in 1984, when things were good in the province of Ontario and right across Canada, we didn't have to face a recession. We had gone through the 1981-82 recession, but now times were getting tough in Canada and now the province of Ontario felt it was time to respond to those barriers.

Quebec was the first province in Canada to suffer the consequences of Ontario, and as the minister responsible for this bill, or I should say Ms Lankin, the Trade minister, has said, as soon as Quebec takes down its barriers, Ontario will be doing the same. But, Madam Speaker, I want to remind you that this is not a new problem in the province of Ontario and we must take this bill very seriously, because when we introduce such bills in this province, we find some losers and we find some winners, and we must be creative enough to find ways to put an end to these barriers, because we will not improve our situation. Our unemployment situation will be somewhat

resolved, and I think my riding is most affected by this bill.

I'm glad and I will support this bill for a number of reasons, but the main reason is that we have to show leadership in the province of Ontario, and I give credit to the government for showing leadership, not because of the pressure from the Tories, not because of pressure from the Liberal Party; I think the government is acting responsibly. But, as I said, losers and winners, and I think we have to find a way. I know this bill will be in place on April 4, and we must find a way before April 4 to bring Quebec on our side, and I say our side. I think their labour laws are acting in I suppose—

Mr Villeneuve: In a negative way.

Mr Grandmaître: —in a negative way; thank you—and we must find a solution to our problem, because what I see happening in Canada with this free trade notion at the present time is that now it's Ontario and Quebec, but who knows about tomorrow, next week, next month? It could be another two or three provinces.

We have to recognize that what we are doing today probably will be used as a model for other provinces to follow. I think it's very important that Ontario should take this leadership. It's not only affecting eastern Ontario. In my own riding, close to some 2,000 people cross the bridge every day and work in my riding. So when the government is using the figure of 4,000 Quebecers crossing the bridge, 2,000 of these people are working in my riding.

Does it mean that 2,000 of my workers are unemployed? I don't have those facts. But I know that people in my own riding are affected, not only by this bill but also by the action of the Quebec government. I know the Quebec government had been negotiating with the present government for a number of months, but after the announcement made by Ms Lankin, the Trade minister, I would have appreciated some kind of report from the government saying, "Here's what we've done" in the last two or three or four or five months, because, as pointed out by the previous speaker, this has been going on for a number of years, and I would have appreciated a report from the government telling us what actions have taken place since the announcement of the minister.

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I must say that I was privileged, the Premier of this province offered me a briefing with the ADM of Trade, Mr Borenstein, and I spent 45 minutes with him. I was fortunate enough to attend the Quebec workers' summit in Montreal some six weeks ago and it's difficult to describe what was taking place around this negotiating table. The tension in the room when you have 41 different unions trying to negotiate, trying to find a common denominator that would satisfy most of these unions.

I left Montreal disappointed—disappointed for the simple reason that these people were accusing Ontario of bad faith, and that's why I would have appreciated some kind of a negotiating report from the minister indicating to this House what went on, what has been going on in the last three years between this government and the Quebec government. What is taking place? I was assured

by the Premier, I was assured by the ADM that negotiations had been ongoing, but nobody in this House really knows what went on.

I feel somewhat left out and, as I said, I will support Bill 123 for the simple reason that I think it's rectifying, it's improving a bad situation, but I think it's the responsibility of the government to carry on with these negotiations, to find a solution to our problems, because we do have problems. Who knows? Maybe this is the start of bad faith or let's say a bad taste between the province of Quebec and the province of Ontario, and we must realize that the province of Quebec is an ally of the province of Ontario. We have always tried to work together for the best of Canada because, after all, we do represent the two largest provinces in Canada.

I find it very difficult to stand in my place today and to criticize our neighbours, but it needs to be done. It needs to be done. We have to do it because of the recession, because of unemployment. Because of a number of issues that have arisen in the last 10 years, I think we have to address the workers' mobility and also the opportunity—the opportunity to possibly create jobs not only in the province of Ontario, not only in the province of Quebec but right across Canada.

I think it's very important. Because if we want to maintain the standard of living that we enjoy at the present time in the province of Ontario, I think we have to become better contributors to these services, and to become better contributors I think we need more workers in the province of Ontario and more workers in the province of Quebec so that we can pay our fair share for social services, for education and for our health care programs.

So I think what we're about to—well, not vote today. I am told that we're supposed to vote on this bill tomorrow. I feel that all three parties should be taking credit for what's happening today. But I want to warn every member of this House: There's a price to pay for what's happening today. I want to put an end to the consequences that are starting today—maybe not today; on April 4, I am told.

Mr Jim Wiseman (Durham West): No, it's starting today.

Mr Grandmaître: It could be starting today. But I think we have to find ways to solve not only this situation, this problem or these problems; we have to find ways to prevent such happenings.

I invite the federal government to talk to our premiers—and he will have this opportunity very shortly in January—to work on the interprovincial barriers. I'm told that this is part of the agenda.

I hope that we can resolve our differences so that we can say as Canadians that 10 provinces are now enjoying free trade. Because free trade with the US and Mexico will dearly affect this province of Ontario. I think we have to be prepared for the shock. I think we need 10 united provinces to combat the effect of especially the US free trade.

I want to remind the members of this House, this is not the time to say, "I did it," or "He did it." We did it. We

did it, together, three parties. Maybe this is a first in the last three years.

Mr Mike Cooper (Kitchener-Wilmot): Solidarity for ever.

Mr Grandmaître: Well, not solidarity for ever. Maybe you know that song. I only know the title. I've never sung it.

But I think it's time we should move ahead, forge ahead and to make sure that Ontario is strong—not stronger than Quebec—but that Ontario is strong, that Quebec is strong, that our 10 provinces are strong. Together we can change what's happening in Canada at the present time. Because we're all feeling the effects of what's happening. The recession is not over with. We will be faced with more problems.

I think it's about time that the province of Ontario shows leadership and regains its position as the strongest province in Canada.

The Acting Speaker: Thank you. Now we have time for questions and/or comments.

Mr Grandmaître: Isn't that great? They were all haggling away and now they don't have a word to say.

The Acting Speaker: No members. We are looking for further speakers to this debate. The member for S-D-G & East Grenville.

Mr Villeneuve: It's a pleasure for me to participate for a short period of time in this debate.

This bill, I think, was a long time coming. Frank McKenna, the Liberal Premier of the province of New Brunswick, really led the way in finally saying: "Enough is enough. We will play the game the way you play it in the province of Quebec," and brought everyone's attention to the fact that the province of Quebec had been playing a rather unfair game by their own rules in the labour construction area.

To everyone, yes, I think members of this Legislature, particularly, however, to the Liberal—and I emphasize the Liberal Premier of the province of New Brunswick who had a great deal to at least set the precedent so that we here in Ontario could finally appreciate what was happening and not set a precedent, if that was indeed the choice of the government previous or of the day—that we were not the big province of Ontario moving against our provincial friends over in the province of Quebec.

An interesting thing, when my colleague from Carleton brought up this private member's motion back in early May: Some of the government members were not very sure about it at that time. I can appreciate that because a lot of them do not reside along the Ontario-Quebec border, where I believe the issue is of utmost importance.

I represent one of those ridings and I can assure you that for quite some time, particularly since the downturn of the economy in the early 1990s, it's been a major factor. Jobs have been going to people other than those in the province of Ontario without a reciprocal arrangement.

I found it rather strange when the province of Quebec came through with a suggestion that you would be allowed to work in the province of Quebec if indeed you

had 750 hours previous. Well, the chicken-and-egg situation applies: How in the world can you have worked in Quebec for 750 hours if you're not allowed to go and work there? So it would not have solved anything and I give this government credit for not even considering that type of foolish requirement.

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We've got to have a level playing field, pure and simple. Ontario contractors must have the opportunity of bidding on contracts out of province and into the province of Quebec, as Quebec contractors and workers have had the opportunity not only to bid, but to work, in the province of Ontario.

As I mentioned earlier, the city of Cornwall has 37% of its population on some sort of government support, yet many, many construction workers out of the province of Quebec are working in the city of Cornwall on a number of projects. It's very, very difficult to accept and particularly to try to explain to someone who is struggling at best to make ends meet that he or she cannot have a job because out-of-province people are taking those jobs.

The interesting thing—and the member for Ottawa East, I thought, was going to touch on it, because the Ontario Labour Relations Act, when it was brought forth here in the province of Ontario, known as Bill 40—which this party is committed to repeal within 100 days if ever we are elected to power, and we may not be; however, we are committed to repealing it. The Liberals at the time said that it was not a good time to bring in this type of legislation. They're now saying that they would repeal it as well, and I can appreciate that.

Mr Dalton McGuinty (Ottawa South): Parts of it.

Mr Villeneuve: They would repeal maybe only parts of it. We're committed to repealing Bill 40. We were told on a number of occasions in this Legislature the province of Quebec has similar legislation to Bill 40 and it creates no problems. I'm sorry, we are attempting now to correct a problem that was created by Bill 40-type legislation in the late 1970s in the province of Quebec. There is no doubt about that. I will quote from the Ottawa Citizen of yesterday:

"Quebec Workers Warn Of Violence Over Deregulation

"Bill 142" out of the National Assembly of the province of Quebec "will deregulate the residential construction sector. The construction workers say the new law would throw the door open for anyone with a hammer to take their jobs and drive down salaries."

I'll tell you, Madam Speaker, Bill 40-type legislation has allowed in the province of Quebec the creation of 17 distinct areas where workers with tickets, with absolute competency in the construction trade, cannot move from one area to the other unless they have the sanction of Big Brother, les syndicats of the province of Quebec. Ontario has simply become the 18th area.

So that's the Bill 40 type of regulations that we have in the province of Quebec. We were told by this government that Quebec has this similar type legislation; there are no problems. There are all sorts of problems and they're just coming to light now. I can assure you, this is

why we have to eliminate the likes of Bill 40, Bill 80 that was passed today, Bill 91, the Ontario Labour Relations Act touching on agriculture.

I'm going to quote out of the article from yesterday's Citizen just to prove to my colleagues how serious the matter is getting to be in Quebec and could well be in the not-distant future in the province of Ontario. The issue is you've put the labour unions in charge of everything to do with labour. MPPs are being beaten up outside their own riding offices in the province of Quebec because of this type of legislation. I'll quote:

"Thousands of construction workers marched on the Quebec legislature on Monday warning of increased violence if the government adopts a law that would open up some job sites to more workers." That's the beginning paragraph. That's a pretty serious warning sign of troubled waters ahead.

"A group of about 200 workers standing in front of the crowd chanted the name of Denis Lortie." Remember him, the man who went into the legislature in Quebec a number of years ago and killed people? This is pretty serious intimidation.

"Fernand Daoust, head of the Quebec Federation of Labour, said the unions were worried about violence at the demonstration and assigned some 2,000 of their own members to keep the angry protesters in line.

"A crowd estimated at between 10,000 and 20,000 waved placards and rattled temporary iron gates set up to hold them back, but the demonstration was mainly peaceful.

"A handful of people overturned flower pots, set a few bonfires and torched a small house they brought" to the legislature "while hundreds of provincial police officers kept watch.

"Opposition to the new bill has been accompanied by vandalism and violence and workers openly warned Monday it could get worse.

"When (the law) passes, watch to see the number of fires," said worker Pierre-André Samson.

"Daoust said workers won't sit quietly while other people come in and take their jobs." Is that clear enough?

"They will resort to all sorts of measures, we know that," he said. "Sometimes we cannot control (the situation)."

"Bill 142" in the province of Quebec "will deregulate the residential construction sector and require only plumbers and electricians to have union-controlled working papers for projects of eight units or less.

"The construction workers say the new law would throw the door open for anyone with a hammer to take their jobs and drive down salaries."

Mr White: On a point of order, Madam Speaker: I believe at the moment we're not discussing Bill 142 in the province of Quebec. We are here in the province of Ontario at Queen's Park discussing a bill about Quebec construction unions.

The Acting Speaker: Thank you.

Mr White: I'm wondering if you could remind the member of that.

The Acting Speaker: Thank you. I would remind the member that we are discussing Bill 123, if you would relate your comments to that.

Mr Villeneuve: It has a great deal of analogy and the consequences of the type of legislation that was brought in by this government. They told us that the province of Quebec has Bill 40-type legislation that causes no problems. Speaker, I have to get the final paragraph on record:

"In the last couple of weeks"—and listen to this; it could happen to any one of us here. We're 130 people elected. "In the last couple of weeks, the offices of two members of the legislature were ransacked and Liberal Yvon Lemire was dragged from his office and kicked and punched. Several construction sites were also trashed and there have been illegal strikes in some areas of the province."

The Liberal Minister of Labour, Norm Cherry, said, "Monday there may be minor changes to the bill but it will be adopted."

That's the type of resistance that the province of Quebec is facing by deregulation, by attempting to dismantle what it allowed to occur in the late 1970s through Labour Relations Act-type legislation that is now in place in the province of Quebec.

I had to get that on the record because these are the types of situations that Bill 40, Bill 80 and Bill 91 will bring to the province of Ontario in the not-too-distant future. Quebec legislation has allowed for 17 regions to be created and les syndicats do not allow one person from one area to go to another. Simply the province of Ontario became the 18th region.

I've been working with my colleagues from the National Assembly of Quebec for over five years in attempting to not only address this problem but settle it. It's getting worse. The elected politicians know they want to correct it, but this type of resistance from les syndicats du Québec is preventing them from doing it. I think it's a terrible situation.

The Acting Speaker: Could you relate your comments to Bill 123, please.

Mr Villeneuve: I am. It's very, very relevant to Bill 123. These are the repercussions that are occurring. Bill 123 will effectively disallow Quebec workers from working in Ontario, and yet the government of Quebec is attempting to deal with the problem that this Legislature will face in the not-too-distant future.

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Hon Evelyn Gigantes (Minister of Housing): What baloney that is. That is utter, complete baloney and you know it.

The Acting Speaker: Order, please.

Mr Villeneuve: The Minister of Housing has told me that it's utter, complete baloney. I want that to go on the record. The member for Ottawa Centre says that it's baloney. Well, read the Citizen. It's in there.

Interjections.

The Acting Speaker: Order, please.

Hon Gilles Pouliot (Minister of Transportation):

You try the truth, you might get to like it.

The Acting Speaker: Order, please. The members will have a chance to express their comments as soon as the member is finished. Would you continue, please.

Mr Villeneuve: When the Minister of Transportation tells me to "Try the truth, you might like it." I have a major problem with it. I don't think it's parliamentary, but it's on the record.

We have on Highway 401 many, many people who come from the province of Quebec into Ontario and vice versa. We hope to be able to maintain the most important tourist bureau on the westbound freeway, the one at Lancaster, where many, many people from Quebec, from the Maritimes and from the eastern United States will stop and look for information. They may well want to stay in eastern Ontario for a period of time, but that office—and I'm glad to see the minister here this evening—is being threatened to close. As a matter of fact, the announcement of closure has been made. I do hope the minister will reconsider that.

Interjection.

Mr Villeneuve: Now, I'm strained. Yes, and I'll admit I'm strained. I'll be back to 123 in a very, very short time. But I've always attempted to promote the fact that we must live together. But I'll tell you—and I'll just touch on another one—the interprovincial poultry quotas, which are very interesting, because on interprovincial quotas—

Hon Mr Pouliot: He's into chickens. He's off the road.

Mr Villeneuve: It's got to do with interprovincial problems, Speaker. I hope you understand that. It's not quite construction but it's very similar. Processing has to be done on these interprovincial—

Mr Bill Murdoch (Grey-Owen Sound): On a point of order, Madam Speaker: I think it would be nice if some of the members who like to yell back and forth would sit in their seats. It may make it more appropriate so that you could ask them to come to order.

Mr Villeneuve: It doesn't really matter to me, Speaker, whether they're in their seats or not.

The Acting Speaker: I would ask members not to have interjections.

Mr Villeneuve: Their thoughts are coming through loud and clear and I can tell you that they don't like what they hear because it is the truth. It's got them just a little bit on edge.

Interprovincial marketing boards: Chickens that are grown in Ontario must be processed in Quebec. That's not right and it's not fair. It's akin to the kind of thing that the province of Quebec has been getting away with for a number of years since it established that kind of Labour Relations Act akin to Bill 40 that we have here in the province of Ontario.

Smuggling: A lot of the cigarettes that are smuggled through in Cornwall, at that general area, wind up in the province of Quebec. The province of Quebec has the best underground economy—or the worst underground economy, however you look at it—of anywhere. Con-

struction workers are second only to tobacco smuggling in that underground economy. It's going to be very difficult for the government of Quebec to have this type of legislation which deregulates—Bill 40-type legislation.

I've gone on for more time than I was supposed to. I know I have a number of colleagues who want to participate. It's of great concern to me. I have worked tirelessly with my colleagues from Quebec to attempt to solve the interprovincial construction workers problem. I am very pleased to see that this government has taken positive action and has not given in to the type of suggestion that was made that, "We'll allow your Ontario workers into Quebec, providing they've worked 750 hours last year." How in the world could we accept that when we can't even go and work in the province of Quebec?

Ms Murdock: While I was having dinner I watched the member on television and then came back in order to hear the balance of his speech. I would comment that Bill 40, as the member seems to be intimating, is absolutely nothing like the bill that Quebec passed in 1978.

First of all, the bill in 1978 basically unionized the entire province of Quebec. Frankly, I think all of our union friends out there would be thrilled if the province of Ontario would even go anywhere near a similar bill when a third of them in the province of Ontario are unionized. So I would say to the member opposite that that really does not speak to Bill 123.

The bill that is restricting the jurisdiction in Quebec came in in 1971. The bill he's referring to that's similar to Bill 40 in Ontario came through in 1978. So in terms of the history of labour in the province of Quebec, I would correct the record in that regard.

I never really did hear any particular comments in relation to Bill 123 and whether or not he believes that this will change the situation between Ontario and Quebec, and whether or not the negotiation process will get back together in terms of working, or how he perceives that. I'd be interested in hearing those comments.

Mr John C. Cleary (Cornwall): I'd just like to make a few comments on my colleague from S-D-G & East Grenville.

As you know, I think we both hear the same stories, and I've heard a considerable amount of discussion and discontent over Quebec's discriminatory trade rules. This has been an outstanding and damaging issue in the province's construction industry for many, many years.

The administration of the city of Cornwall, which is a city adjacent to the province of Quebec, was very concerned with legislation that does not permit Ontario contractors to work in Quebec. This has been going on for many years. While Quebec contractors are free to obtain employment in our province, many of our tradesmen are sitting at home.

Another constituent, Mr Carson Barcier, has come into my constituency office to bring an article which states, "It would be surprising if people were anything but defensive, paranoid and aggressive when asked about the different labour laws operating in Quebec and Ontario. Being forced to defend an unjust system will do that to you."

It has been my hope that Quebec would enter into a serious discussion to create a fair environment for outside construction workers. It seems, however, that Quebec was not willing to budge, and the talks were not achieving the kind of results we needed. Therefore, that is why I supported this government's legislation on September 27. I also recognize that the more recent trade bans do not resolve the discontent of trade barriers between Ontario and Quebec.

Mr Norm Jamison (Norfolk): I would just like to take this opportunity to comment on the member's oration on this very important bill that really reflects the need to allow free movement between provinces in labour and therefore set the standard to allow free movement and free trade between the provinces likewise.

I can say that this particular argument should not be confused or misconstrued whatsoever. This is not a debate that would pit worker against worker. This is an argument that dictates only one thing: the strong disagreement between jurisdictions concerning the legislative path which governments take to be overly protectionist within this fine nation. This is not an issue that will pit Quebec workers against Ontario workers because workers alike have the same object in mind, and that is to work to maintain their employment and to progress in their own societies and provide a valuable living for themselves, their families and their communities.

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So when I hear the overtures that really relate to pitting Quebec workers in some form or fashion against Ontario workers, that is simply not the case. We're dealing with government policies that discriminate clearly against the construction trades here in Ontario and have done so for a long period of time. Our government is moving in that direction and I'm pleased to say this bill is a proper one.

The Acting Speaker: The member's time has expired. We have time for one more question or comment.

Mrs Barbara Sullivan (Halton Centre): I've been interested in hearing the comments from people on all sides of the House with respect to this bill and particularly the member who has just spoken and whose riding I've forgotten. I am disturbed, actually, at the glee I hear from all sides of the House with respect to this bill, because in fact this is not a happy occasion for our country that this bill even had to come forward. It is not a happy occasion that we have to follow the steps of New Brunswick or Quebec in dealing with these trade issues. Surely to God, if we are going to have a place on the international world stage, we should be able to come to terms with these issues at home in ways other than through legislative vehicles such as this kind of a blunt instrument. I don't think there should be any happiness or any glee in the fact that this bill will probably go forward, probably with the support of all parties in this place.

The Acting Speaker: Thank you. The member for S-D-G & East Grenville has two minutes to respond.

Mr Villeneuve: To the members from Halton Centre, Norfolk, Cornwall and Sudbury, I appreciate your comments. There is no glee in bringing legislation like

this. It was a matter of attempting on many, many different occasions to try and bring the parties together, but we were never able to, in spite of the fact that politicians in the province of Quebec appeared to be very willing. The minute they bring it to their Legislature, they had basically the trade unions fighting them tooth and nail and what I quoted in the paper is exactly what happens when you bring this type of legislation after the Bill 40-type legislation which they've had in the province of Quebec.

It's interesting that the member for Sudbury brought forth the fact that 1978 brought Bill 40-type legislation in the province of Quebec. Well, we had the problem in the early 1980s. Whenever the economy slowed down, we had a recession and of course we had the major problems of the 1990s—1991, 1992 and 1993—with a major recession again, of course. And unions are protective. That's why they are in place. They're there to protect the people who pay their dues and if they're going to try and protect themselves against the politicians, they will do that in every measure possible, including intimidation, which is what I was reading about.

Hon Ms Gigantes: It has nothing to do with Bill 40.

Mr Villeneuve: Whether you consider it to be on topic or not, intimidation is part of the game that is played, because they have to use whatever measures are at their disposal, whether they're legal or whether they're not.

This is what we have, Speaker. We have a situation that we had better be ready in early April to bring this legislation into place because without that kind of legislation, the province of Quebec and their workers will not act. They have to be forced. We've got their attention now. We've got to make it happen.

The Acting Speaker: Further debate? The member for Cochrane South.

Mr Gilles Bisson (Cochrane South): Madam Speaker, I congratulate you on recognizing me this evening, unlike last night. I had to get that little shot in there. I'm only going to take a very few minutes to just point out a couple of things.

The reason I will support this legislation is a very simple one. I live in a riding called Cochrane South. It is a border riding to the province of Quebec with which we've had mobility problems when it comes to workers working within the province of Ontario and Ontario workers not having the reciprocal agreement with Quebec to be able to work on its construction sites.

I just want to bring this to the local level. We have just gone through, for over the past three years, the construction of a brand-new hospital. Some almost \$90 million was spent in order to build the Timmins and District Hospital. We had a hospital board who tried its best to make sure that the work provided through that construction project was done on a local basis as much as possible. There was every attempt on the part of the hospital administration to make sure that workers who were hired within that particular project as much as possible would be workers who would be hired around the region of the community of Timmins, but the hospital administration

also recognized that these were provincial dollars and anybody working within the province of Ontario had a right to be able to work on that job.

What really infuriated people in my riding—and I had the calls during the construction seasons when they were building that hospital on numerous occasions where workers were trying to get work. They really wanted to get on to the job and they would get to that particular construction site to find that no positions were open because many of the jobs within the trades had been filled by construction workers coming from Quebec.

That in itself was not what infuriated people. What got people really mad is that when they'd hear about contracts on the other side of the border in places like Rouyn and Val-D'Or where work was going on, they had absolutely no opportunity to even apply for those jobs and they saw that as a very unfair situation.

What this legislation does is a very simple thing. It says to the province of Quebec: "Listen. We, in the province of Ontario believe in free trade between our provinces. We believe if you're Canadian, you should have the same rights and privileges, if you live in Ontario or you live in the province of Quebec or PEI, to work anywhere within this country. Unfortunately you have raised barriers to us."

For 20 years, successive governments have tried to deal with this problem in the province of Ontario. The Conservative government for some 15, 16 years—or 14 years, I should say—and the Liberal government before us. When we came to power as a New Democratic government, we immediately set the task to try to negotiate with the province of Quebec the removal of those trade barriers. Unfortunately, the province of Quebec did not succumb to negotiations. Instead, they decided to remain rigid within their position and that they would stay exactly for the status quo, which was to exclude Ontario workers in their province on work that was going on, that our people could have been working on.

This government has very few choices left. What do you do when you have a relationship such as that where the government in question in Quebec says, "No, we're not going to allow it." What we're doing is a very simple thing. We are mirroring; we are putting a mirror at the border of the province of Quebec when it comes to legislation and all we are saying: "We are not going to do any more or any less than what you are doing within the province of Quebec. We will basically mirror the legislation you have so that when you start to reduce your restrictions, we will do the same."

I'm encouraged by one thing. Although I would disagree with the member opposite who just spoke, it was a very difficult thing we saw over the past few days where construction workers in the province of Quebec decided to act in a lawless manner to try to put pressure on their government to stop them from removing some of the restrictions the Quebec government is trying to remove. We are seeing some effect. The province of Quebec is moving forward with legislation now to try to remove some of the legislation barriers that we have in place restricting Ontario workers from that province. We have seen a very strong backlash within the construction

trades in the province of Quebec.

I would say to my friends in Quebec: «Écoute, il vient un temps où nous, comme Canadiens, on a besoin d'être capable de travailler ensemble. La seule manière dont on va être capable de faire ça, c'est d'être capable de venir ensemble comme Canadiens, selon qu'on travaille au Québec et on demeure en Ontario et vice versa, qu'on est capable de trouver des manières où on peut échanger, faisant affaire avec nos habiletés dans nos deux provinces.

We have many things in common, our two provinces. I don't think a lot of us on this side of the House, as well as opposition members, are very happy about doing this, but we understand the necessity of doing so. So very simply put, we are mirroring what the province of Quebec is doing.

The last thing I want to say is this: One thing I note the province of Quebec within the free trade arrangement and within the free trade debate said: "We are all for free trade with the United States. We support an open economy." Again we have seen with the North American free trade agreement, the provinces say the same thing when it comes to North American free trade. Those people within the province of Quebec through their governments have said, "We support freer trade."

If that is the case, we ask you to do one thing and one thing only: Open the borders between Ontario and Quebec so that we can share in each other's wealth, we can share in each other's resources and we can enjoy each other's company. When Quebec decides to do that, Ontario will be there for them. We will lower our barriers and we will both enjoy each other's company and we will both enjoy each other's opportunity to be able to work in each other's province.

With that, Madam Speaker, I thank you very much for this time in debate.

The Acting Speaker: Questions and/or comments?

Mr Daigeler: I was interested to hear the remarks from the member for Cochrane South because obviously the area he represents also will be affected by this bill and has been affected by the provisions that are in place in Quebec. I was pleased to hear he's fighting for the interests of his constituency.

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I'm just wondering, and perhaps the member could respond to that in his two minutes of response time, whether there are some people in his riding who are beginning to in fact have some second thoughts about this matter, as there are some in the Ottawa-Carleton area. There is a realization that these restrictions are coming at a cost and certainly some of the contracts that are being let now in my area, the Ottawa-Carleton area, are coming in much higher because no longer are the much lower bidders from Quebec winning the contract. Of course, that is a cost to the taxpayer in my area and ultimately may be seen on the tax bill.

I'm not saying that's the only deciding factor, but certainly I find it rather interesting to see that people are saying, "Well, you know, there are other aspects as well to these questions that we should look at." Some of the

builders in fact are quite concerned about the workers they have on the Ontario side and the relationship they have had with the workers, good relationships, from Quebec and they're wondering whether even on the Ontario side, as Ontario builders, they will be able to continue to provide the service to Ontarians because they no longer have the labour available to do the job.

I'm just wondering whether the member could respond to that, whether this experience is in fact happening in his riding as well.

The Acting Speaker: The member's time has expired. Further questions or comments? The member for Hamilton West.

Hon Richard Allen (Minister without Portfolio in Economic Development and Trade): I would like to respond directly to the point that was made. I spent some time in Ottawa debating this question with the residential home builders' association and at that meeting the president of the home builders' association indeed made the point that the member for Nepean has just made, but he was promptly repudiated by his own members on the floor who asked him why he was suddenly getting so weak-kneed and lily-livered about this particular issue. While he may be hearing one or two voices that raise a question about the cost of labour in some aspects of the construction industry in the area of Ottawa, the membership in fact see the long-term benefit of this particular move and are not prepared to chicken out on it.

But I further observed that I think all of us, and I think the member for Cochrane South made this point, as did the member for Halton Centre, that this is not a happy moment. I think we all agree with that. This is not something this province enjoys doing, but after some 20 years of a regime which we have been encountering trying to change in Quebec on a debating-negotiating kind of basis, we have been forced to take some further and more decisive action.

We have made it clear time and again that the moment the Quebec regulations are changed, we will catapult this legislation into outer space and it will be of no more effect. We have no interest in pursuing it at that level. We want to open the borders. We do not want to see the debate become a matter of union bashing in Quebec. We want to see government regulations that limit mobility to residential requirement and therefore limit the mobility of labour to be eliminated in Quebec and to get on to a more liberal regime between our two provinces.

The Acting Speaker: The member's time has expired. Further questions or comments? Seeing none, the member for Cochrane South has two minutes to respond.

Mr Bisson: In jest, if the legislation at one point is catapulted into space because we no longer need it, the Hubble telescope will be able to find it, according to the work they did last night.

I would just say to the member opposite in regard—
Interjection.

Mr Bisson: They got the glasses on the Hubble finally. I would just say to the member across the way, you asked if there is any second thought on the part of people within my constituency on this legislation. The

answer to that is a resounding no. I have had more support on this particular legislation than probably a whole bunch of other things that have happened recently.

The other thing I would just say very quickly on the question of cost of the construction projects is that, yes, it is true there will be some jobs that will come in slightly higher, let's say 5% for an argument, than what you would get otherwise because some of the Quebec contractors were underbidding to get those particular jobs only to keep their people going.

But I ask you this: How much more money would it cost the province of Ontario in money that we have to pay as a government to support those people who become unemployed in this province because they no longer have jobs because of what happened? I think the cost is very much borne out and we'd probably end up on the positive side of the scale.

I'd like to thank members for their comments in regard to the comments I made within the five minutes on this particular discussion. I would only say this one more time: The province of Ontario wants to have freer trade with the province of Quebec. If Quebec is prepared to remove its restrictive laws when it comes to mobility rights from workers going into Quebec from Ontario, we will be prepared to match whatever they do.

All this legislation does, again, is to mirror what is happening in the province of Quebec when it comes to legislation. As Quebec reduces its legislation and regulation banning our workers, we will do the same. I look forward to the day when this legislation will no longer be needed.

Mr McGuinty: I want to begin by congratulating the parliamentary assistant, the minister and the government generally for moving forward on this issue. I'm not sure it's particularly productive, worthwhile or helpful to assess who or what prompted the government to move forward. I think it's important to recognize at the end of the day that the government members have the numbers and they made the decision in their own capacity to proceed.

I think I want as well to second the comments made by the member for Halton Centre. I don't think any of us here should take any particular pleasure or delight in having to move ahead with this kind of legislation at a time, I think, when it is generally recognized that opening up the borders rather than tightening them up or closing them is the way to go.

The history behind this, of course, is considerable. Some people argue that in effect this legislation became necessary as a result of legislation Quebec passed in 1974, but in reality these kinds of barriers have evolved since Confederation.

The net result of the Quebec legislation is that they have in place very restrictive labour mobility laws which are complex. Indeed, I've tried to gain some understanding of them. I call them Byzantine. They're very restrictive and at the ground level of course they're causing considerable harm to the people of Ontario in terms of the net result.

I became involved in this issue I guess in some depth

about a year ago. In fact, it was December 9 that I wrote my first letter to the Minister of Labour in connection with this matter as a result of a number of constituents coming to see me and expressing their concern about not being able to work within the province. I have a number of letters, but I only want to read one into the record and it reads as follows:

"Dear Sir:

"I have worked in the construction industry alongside Quebec and Ontario residents for over 20 years; that is, until the recession caught up with me. I am now out of work and cannot find any in Ottawa, but I did find a job in the Outaouais. After three days' work, I was fired because I did not possess a *carte de compétences*, which the Quebec government requires.

"The only requirement for Quebec residents to come here and work is for them to cross the bridge, yet I am disqualified from working here. Also, \$18 million of regional contracts have recently been awarded to Quebec firms who, for large part, bring their own equipment and workers, yet my Ottawa employer is disqualified from getting contracts from Quebec. Again I am on the outside looking in.

"I do not mind competitiveness, but it should be on a level playing field. The unfairness of these trade practices is humiliating. I wonder how many dollars the Quebec government will contribute towards my social assistance whenever my unemployment insurance runs out.

"It is time the government of Ontario addressed these problems. Your help in voicing my concerns will be greatly appreciated."

It's signed by Alain Carrière. That is only typical of a number of concerns that were expressed directly to me about this kind of legislation, and I'm quite comfortable in saying that these kinds of concerns have been expressed for many, many years.

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The bottom line is that this affects us particularly and profoundly in Ottawa-Carleton. There are 4,000 Quebec workers working over on our side of the border but there are only 300 Ontario residents who have the opportunity to work over there. Those 300 people have been awarded that particular *carte de compétences*. I'm not sure what the English terminology is for that.

In addition, the other problem that our Ontario based-contractors face is that they can't get contracts in the province unless they have a place of business there. Even if they do have a place of business there, they can't hire Ontario workers. Furthermore, if they want to do business with a government-funded construction project, they need to have not only their place of business there, but their principal place of business.

There are other restrictions too, but those are the main ones.

As I was saying, my history began with this just about a year ago. My thinking and, I believe, the government members' thinking on this has gone through some kind of a healthy evolutionary process in terms of first exploring all of the alternatives that might be available before introducing the kind of legislation which I think all of us

are going to support.

That is, they entered into a process of negotiations which I think failed at the end of the day. I called on the Minister of Labour to enter into talks that were specific to this issue rather than broad-based talks which were considering all kinds of trade barriers across the country, everything from milk and beer to lumber and whatever else. I thought we should focus on this issue in particular.

In any event, at the end of the day the government decided, I think quite rightly, that it had no alternative but to proceed with this kind of restrictive legislation which is intended to mirror the laws that are on the books in the province of Quebec.

I might add as well that the city of Ottawa and the regional municipality of Ottawa-Carleton felt that they too had no alternative and have passed resolutions which will greatly restrict the amount of trade those two entities are going to enter into with the province of Quebec or people and companies based in the province.

I just want to reiterate once more that this is the kind of legislation I think that all of us should embrace, if that's the proper word, with great reluctance, after having fully explored all of the alternatives, with regret and with no pleasure whatsoever.

I think the issue here, and it's important to remember this, is one of fairness. The province of Ontario and Ontarians are not trying to gain any particular advantage here. We're only looking for a level playing field.

Some people will choose to interpret this legislation, either out of misapprehension or for purposes of serving their own agenda, as being anti-Quebec or as being somehow anti-francophone. With respect to the latter, I can assure you that most of my constituents who raised this matter with me in my office were indeed francophone construction workers. So it can hardly be properly categorized as being some kind of an anglophone-francophone battle.

With respect to it being seen as an anti-Quebec bill, I think it's important to understand some of the context in Ottawa-Carleton that affects this. First of all, people should understand that in Ottawa-Carleton in fact we see the Ottawa-Carleton and the Outaouais as a single economic unit. Our government leaders there back in August came up with a report which they had collaborated on. They paid \$25,000 for that report, and it came up with a number of recommendations in order to address the problem.

It was signed by both the regional chair for Ottawa-Carleton, Peter Clark, and the president of Communauté urbaine de l'Outaouais, Robert Labine. Both agreed—and I'll just quote from that letter dated August 13, 1993. It says:

"The level playing field we have patiently been striving for can be achieved either by pursuing retaliatory action against Quebec or by removing the barriers outlined in the report. We in the national capital region would prefer the latter."

But obviously the president for the Communauté urbaine de l'Outaouais was very much prepared to consider that restrictive laws be put in place in order to

address that problem.

The other thing I want to raise is this. I have a copy of a letter here from the construction association of Outaouais, Association de la construction de l'Outaouais, and it is signed by the president, Gilles Proulx, dated June 25, 1993. In it he provides us with the results of a survey he conducted within his membership; that is, the Outaouais construction association. He advises that—I'll just quote from this, it's in French:

"La réponse ne peut être plus claire : 87,3 % de nos répondants sont en faveur d'éliminer les barrières actuelles concernant les employeurs, et 94 % sont favorables à ce que les travailleurs puissent gagner leur vie librement au Québec ou en Ontario."

What that means is that 87.3% of the people who responded to their survey were in favour of eliminating barriers in so far as they affected employers and 94% were in favour of eliminating in so far as that affected the ability of workers to move from one province to the other. Again, that is from the construction association of Outaouais based in the province of Quebec.

Finally, with respect to this issue of whether it may not be seen and interpreted as anti-Quebec legislation—this bill, that is—there is an association based in the province of Quebec called the Association for the Right to Work, and that is a group that even went so far as to organize a demonstration that took place on a couple of bridges that link the province of Ontario to Quebec in the Ottawa-Carleton area.

That blockade was organized by someone by the name of Jocelyn Dumais, who is a Hull cement contractor and who organized a demonstration because he was angry about Quebec laws that made it difficult for him to work legally in Quebec.

There's a good deal of opposition to the laws that are on the books, even from within the province. I think it's important for us to understand that, and indeed many of those people are applauding this government for moving forward with respect to this bill.

I have met with representatives of the Ottawa Construction Association and other similar organizations in Ottawa and Ottawa-Carleton. I must say that they have changed their tune somewhat. At the outset they were most adamant that I press the government and that the government move forward to bring in legislation that would mirror exactly the kinds of laws that are on the books in Quebec. But more recently they have expressed concerns about the dislocation and the negative impact this will have on the work they do and on their employees. I can understand and I can recognize that.

There very well may be, and probably will be, some economic costs involved in proceeding with this kind of legislation. Essentially, we're moving from the bidding pool here, a player who from time to time obviously is going to come in at a better price. The taxpayer's going to have to pick up the tab on that. In fact, the regional municipality of Ottawa-Carleton estimated that for it alone over the next year it will have to foot the bill for an additional \$3.5 million.

But I say that at the end of the day, if we're going to

deal with this issue, we have to deal with it aggressively. Either we're going to play hardball or we're going to play Nerf ball, and I choose to play hardball because I don't feel we have any kind of an alternative.

I hope, of course, that this matter will be sent to committee and that it will visit Ottawa-Carleton. But I hope that at the end of the day we won't water down the bill to such an extent that it really will not gain much attention in Quebec City, where of course we hope to have an impact.

I think it's important as well to recognize that there are downsides, some of which I've already referred to, simply because this bill is going to be supported, as I understand it, unanimously, from all sides of the House, to recognize, as I say, that there are downsides.

First of all, there are going to be additional costs. Secondly, we should understand that this is going to cause considerable problems within the province of Quebec. The member for S-D-G & East Grenville has recounted some of those problems. I'm not sure I agree with his interpretation of how they came about, but in any event, there's going to be tremendous opposition to this from within the Quebec construction industry.

I think the other thing that we should recognize is that the longer this barrier is up, the harder it's going to be to take it down at the end of the day. I think there's a natural tendency towards protectionism, and it becomes very difficult over time to move towards an open border.

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I think it's also important to recognize—and this is one of the reasons we shouldn't take any particular delight in this—that what we are doing is we are going to be putting 4,000 Quebec workers out of work as a result of this legislation. Those are 4,000 people, presumably with families, dependents of one kind or another, who are going to be sent on to the unemployment rolls. That's something that, again, I don't feel we have any choice in doing, but I think we should recognize just what kind of effect precisely this kind of legislation will be having.

In terms of good news, I think the province of Quebec has already introduced some legislative changes, those which are causing some significant disruption already. Those are minor changes only, although they are seen as being very controversial within the province of Quebec, but in so far as the benefits that they will bring to Ontario workers are concerned, they are virtually nil.

I urge the government to continue negotiating. I don't think government members should throw their hands up now and say, "We've done all that we can." I think we have to pursue a second track, and that would be to continue negotiations with all sincerity and dispatch in order to see if we can bring the Quebec barriers down so that, in turn, we can bring ours down.

The final comment I'd like to make is that we should keep in mind here that the objective is fairness. It's not to get a leg up on Ontario workers, it's not to be seen as Quebec-bashing. The objective at the end of the day here, as I say, is fairness, because that will lead to an open interprovincial market. The reason we want to move to that, of course, is because that's simply the way to go.

I just want to quote an article here from the Financial Post of August 6 of this year, written by Jill Vardy. It's entitled "Provincial Barriers Under Siege," and it recounts how these kinds of barriers are being seen more and more as less acceptable to Canadians, and I think that's a good thing. The author says here:

"An open interprovincial market would allow companies to take advantage of economies of scale, develop national marketing strategies and lower administrative costs pushed up by different provincial regulations. That, in turn, would boost their ability to compete with foreign producers as trade barriers between Canada and other countries come down."

Those are all the comments I have to make. Thank you for your attention.

Mr Daigeler: This is not the first opportunity I have had to speak on this question of restrictions on workers from Quebec. I did speak on the private member's motion that was put forward by the member for Carleton, I think it was, last May. I spoke in support of that motion at the time and put forward my own views, the views of my constituents on this matter. I spoke briefly earlier this evening, but I do wish to again address this matter because, frankly, I do think it's a very important one.

I am not convinced that we fully realize the seriousness of this issue. Hopefully, it won't become as serious perhaps as it might, but it has the potential. It has the potential obviously of becoming a real inflammation point between the provinces of Quebec and Ontario.

Many members of the House have already indicated, and I think rightfully so, that they're not particularly enamoured of having to support this legislation, or even having to bring in this legislation. I think even the government was reluctant to move forward with this legislation. I appreciate that because I feel the same way.

I do come from Europe, where I was born, and the thought that within one country we have to legislate against each other as provinces or states, against each other to protect our trade interests, that is just unbelievable. It is a sad commentary, in my opinion, on the state of our interprovincial relations. We must, unfortunately, acknowledge this. It would have been, I think, much preferable if we could have made some progress at the negotiating table.

I know that the member for Ottawa East and several other members of my caucus had called for negotiations about a year ago already. I myself had written numerous letters to my own minister, Monte Kwinter, at the time when we were the Liberal government. I also personally wrote to Frances Lankin, who last year was the Minister of Industry and Trade, asking and urging her on to come to a negotiated solution on this matter, because I certainly agree that this question of Quebec workers being able to work in Ontario but Ontario workers not being able to work in Quebec was a major irritant, certainly in my area, but I think in other parts of the province as well, especially those areas that are close to the Quebec border.

Really what I'm saying is that I would have wished, I would have really honestly and truly wished that we could have seen some very concrete and practical results

at the negotiating table that would have permitted us not having to introduce this legislation. Unfortunately, it appears, at least from what we have seen, that there was nothing in public that really showed that the Quebec government was willing and that significant progress was being made on this question. That's why, I guess, the minister did introduce legislation, or announced her intention to introduce legislation, back in September. Today, of course, we are in fact debating the legislation.

Obviously, what this is, and I think all three sides are agreed—and, as I say, I myself supported this already in the spring—is a further sharpening of the negotiation tools. Frankly, we're getting closer and closer to that last sword, as it were, that we have in our quiver, and that's in fact proclaiming the legislation.

This matter is getting very, very serious, and I think the people on the Quebec side, the workers themselves, are beginning to see that we in Ontario are very, very concerned about this matter and that we want to see a change happening. I think that message is filtering through, and I'm glad about that. I'm glad that the workers, and the employers as well, of the Quebec side are realizing and are, I must say, sympathetically realizing that there is an injustice, that there is a grave injustice.

Like the member for Ottawa South and several of my other colleagues, I have received correspondence from Quebec contractors who agree that changes have to take place and who express their sympathy with the position of Ontarians. It's by no means as though all Quebecers were of the same view and were of the understanding that these restrictions were acceptable.

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One of my provincial colleagues from the other side of the river, Robert LeSage, who I think is a minister in the Quebec government, spoke very forcefully when we had meetings in the Ottawa-Carleton area among all the provincial members from the Ontario side and from the Quebec side. He agreed with us and said, "Yes, changes have to take place."

There was a meeting, I understand, right in this Legislature in May of the interparliamentary association between Quebec and the province of Ontario. Frankly, that institution itself I think is a hopeful sign. We need some hopeful signs, and that interparliamentary association is one of them.

I have been here only since 1987, so I'm not sure whether this was the first time that we had an official delegation from the National Assembly in Quebec here at Queen's Park, meeting officially with representatives of this House, but they did come together. I think there were about four or five who came here from Quebec, from the three parties, because the Equality Party was represented as well at this meeting, and obviously there were representatives from all three sides in this House who came to the meeting.

One of the major questions that was debated was the question of the trade restrictions between Quebec and Ontario. I read just this week the Hansard of that meeting and I found it very, very interesting. I happen to be able

to read French, so I was able to read what Mr Robert LeSage and several of his colleagues from Quebec said about this question of the trade restrictions. Certainly Robert LeSage couldn't have been clearer in saying that he agreed with the position of Ontario that there was an injustice and an unfairness and that changes had to occur. In the Outaouais area and in the province of Quebec generally, he is an important member of the Bourassa government and of the Liberal cabinet.

Interjections.

The Acting Speaker: I would ask members to try to keep their conversations down.

Mr Daigeler: He very clearly and very forcefully said that changes have to be made and that he was pushing within his party and within his caucus and within his cabinet to bring about these changes. I thought that was a hopeful sign.

The people whom I represent and the people of Ottawa-Carleton and the people of the province should know that it isn't really just a one-way street, that it isn't just us who are concerned about this matter and want to see it changed. There are also influential members in Quebec and influential politicians who want to see a change taking place.

I'm glad to acknowledge that and I'm glad to support it. If we have any opportunity, I think we should give the Quebec politicians that moral support in acknowledging their willingness to bring about changes and to encourage them to go forward, because frankly I think they're going to have a pretty hard time in their own province to change the system. Several of the speakers before me have already alluded to the fact that the construction workers, not the employers but the workers, are becoming rather antsy, as one says, I think, in English.

Mr Grandmaitre: Fidgety.

Mr Daigeler: "Fidgety," says the member for Ottawa East. Frankly I think the word probably ought to be a bit stronger.

Mr Villeneuve used language that I thought was rather derogatory towards the union movement. He really was I think coming pretty close to what one might call union-bashing. Again, perhaps that was not totally unexpected from the Conservative side, but certainly on this side of the House we do respect the union movement and we do feel there's a very legitimate place for the workers to get together and organize themselves and defend their interests in a collective fashion.

But of course it is true that that action has to be always within the framework of the law and has to respect the democratic means. From what I have seen on television, what I have seen in the newspapers, there are certainly threats being made in Quebec from construction workers that I think are coming pretty close to the border of what I think is still acceptable in a democratic society.

What it does indicate is that the Quebec government, certainly the current Quebec government, has its work cut out. This won't be an easy matter. Frankly, I think they will need a reasonable approach from this province, because I am afraid that not only the workers but also some politicians who have a vested interest in Quebec on

this matter—I'm referring to the Parti québécois, and I am referring to the Bloc québécois. They have a vested interest in exploiting this issue under a constitutional angle, and I'm sure they're going to try to make Ontario look as bad as possible.

Frankly, that's something that worries me. It worries me greatly that this issue may get into the wrong hands, that people may lose their perspective on it and that it may take on a life of its own in a way that I don't think anyone in this House hopes for or wishes. I do trust the current Minister of Economic Development—I think that's her title now, I'm not quite sure; Industry, Trade and Technology in the former administration—that she will handle this dossier with all the sensitivity she can muster, because it's explosive. It has a lot to do with emotions. Frankly, I think it still has to do with a lot of emotions.

Certainly I have received these complaints, not just now when we are in recession, but I received them as well during the boom times. I think then those concerns really were coming not so much from an economic consideration, which I can understand, but at the time more from an attitude, I think, towards Quebec which frankly I didn't like, but especially now these emotions, which are still there, are obviously encouraged and made stronger by the unfortunate economic realities.

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It is true that even in Ottawa-Carleton we have unemployment in the 10% range. Just last week, I wrote a column in my community newspaper about the unemployment rate in Ottawa-Carleton. People think, "That's a government town and they're protected from unemployment." Well, they no longer are. First of all, we know that of course the civil service has been dramatically reduced as well, but we also do have a pretty large private sector economy in the Ottawa-Carleton area, especially high tech but some manufacturing as well, and there have been layoffs. There have been significant layoffs, and especially of course in the construction industry, because there too there's very little construction going on.

Now the Premier is here, and he knows I have been pushing for construction to resume in the Ottawa-Carleton area, especially with the completion of Highway 416. I just want to acknowledge to the Premier that I must say I was very impressed by two things: First of all, I got a response from the Premier very quickly, and I must congratulate the Premier in responding so quickly, in fact much, much faster than many of the other ministers I have written to; and secondly, he even wrote a little handwritten note on his response to say that they're working very hard with the federal government to try and get that 416 project back on track and have it completed in time for the original completion date.

I'm mentioning this because that project I think will provide employment precisely for the workers we're talking about. That in itself I think will be a plus and perhaps will reduce some of these pressures that are coming from people seeking work. Obviously, if they're seeking work and they're seeing workers from the other side of the river coming to Ontario and working, they're

going to get very upset, and I think they have a right to be upset.

So I'm saying, let us approach this matter with some trepidation. Let us realize that this is a very delicate matter that requires a firm hand. I don't deny that. Unfortunately, we have now reached the stage where I guess the threat of law has become necessary. It is not something that we rejoice over, and I think this has been mentioned several times.

One point I haven't made yet and I made a little bit earlier in my brief remarks in responding to some of the other speakers is that we do now have people in my area who are also looking at the costs of this initiative and who are realizing that it isn't quite as simple as putting in a bill and not letting any workers in from the Quebec side, that this has some impact on our own pocketbooks. I did mention that for several of the contracts that have recently been assigned by the regional government, and I understand by the city of Ottawa as well, the costs have been higher, and quite a bit higher, than what was originally planned because both the regional government and the city of Ottawa decided to go with an Ontario employer rather than with somebody from Quebec and this was more expensive. Clearly, the municipal politicians in Ottawa-Carleton, and we as well as provincial politicians, did say, "The time has come to send a very clear and strong message"—and I support that—"that we are prepared to accept the cost," but I think we must be realistic. We must be aware of it. We can't just go blindly into this situation.

Just last week, I received a letter from the Perley Hospital in Ottawa-Carleton. They were looking forward to seeing the shovel in the ground on the very long-awaited rebuilding of the Perley Hospital, which is a long-care facility, and also, together with that, the Perley Hospital, the federal government will put money in for the veterans' hospital. All of this was ready to go. People have been working on this for I would say at least three or four years, waiting for a considerable length of time until this government made up its own mind. Finally, everything was ready to go, but now this project, which would have provided a significant number of jobs in Ottawa-Carleton, has been put on hold and they have to postpone—

Hon Bob Rae (Premier and Minister of Intergovernmental Affairs): No.

Mr Daigeler: Yes. I got the letter. The Premier is saying no.

Hon Mr Rae: They don't have to.

Mr Daigeler: I got the letter, Premier. If you want to, I can share it with you. I got the letter last week—

Hon Mr Rae: I've got a letter too. Everybody's playing games.

The Acting Speaker: Order.

Mr Daigeler: —that said this matter has to be put on hold for the time being, the opening of the construction. That's the letter I have. They did say—in that regard the Premier's right—this project isn't dead. I'm not saying that. But the reality is that we were advised by the Perley Hospital, and I'm sure my colleagues received the letter

as well, that the ground-breaking had to be postponed to an indefinite date. Hopefully it will come very soon. The Premier says it's going ahead. Great. Hopefully very shortly.

What I'm saying is that these are the concrete results. Frankly, in the letter from the Perley Hospital, the chairman of the board said that because of these new regulations and the new law, the Ontario government wants all these contracts to be revisited, and therefore they have to do that.

What they're referring to, frankly, is a provision that I think people haven't spoken about here yet and that I have serious questions about. There's a provision which is not in the law but is in the announcement the minister made in September, and it doesn't require legislation. The minister said in her announcement of September 27 that where the Ontario government is involved in the contract, it wants to see ensured "that Quebec-based contractors and subcontractors and Quebec-produced construction materials are not used."

Frankly, I find that provision about the Quebec construction materials very punitive, a very, very serious matter. If we are in one country still and we're not allowing the products of one province to move into the other, I think that's a very, very serious matter. Frankly, I'm not knowledgeable enough about it. Perhaps the Quebec government has restrictions as well on Ontario products—not just the labour but products. If that's the case, I find this is terrible.

So we're not only talking about restricting labour, we're also restricting products, and at a time when we're opening ourselves up not just to the United States but also to Mexico and the world over. That we, who are next to each other in Canada, should prevent each other from freely trading in our goods and in our labour: I think this is really a thought that disturbs me greatly. It disturbs me greatly, and I'm quite honest about it. I sure hope we will move beyond that stage very quickly.

I don't have much time left under the new rules of the NDP government, which restrict the members to speaking only half an hour on any particular item. I do want to certainly be on the record to say that I sure hope there will be hearings on this bill, certainly in my area, in the Ottawa-Carleton area, because I do think we want to give the opportunity to the public to be heard. I think it was the member for Carleton who last week suggested we also travel to the province of Quebec. Frankly, I would support that wholeheartedly. I don't know whether that would be precedent-setting—it might be—but so be it if that's the case. I think it would be very useful to let the Quebec people and the Quebec media know how we feel, and that we at first hand, as legislators, hear from the public in Quebec as to how it feels about this matter and how we can perhaps work together and straighten this matter out. I certainly hope that there will be hearings on this bill, there will be an opportunity for the public to present its concerns to us as legislators from this province.

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Finally, I would like to stress, because I think it often gets lost in the debate, that these provisions which

prevent Ontario workers from working in Quebec aren't meant simply to discriminate against Ontario workers; these restrictions that Quebec has in place discriminate against workers from Quebec itself who are not from the particular regions where the workers are presently located.

The Quebec construction market, as it were, is subdivided in, I think, 11 regions. If there's work in each region, then you can get this certificate or card that allows you to work there. But if there is not more work, then nobody from the outside, whether they come from Ontario, or Montreal, or Quebec City or wherever is allowed to move into that area. Essentially, the work that is there is protected for those who are already there, who already have the card in that region.

That has proven to be so problematic, especially of course, for Ontario workers but also for workers within the province of Quebec. I remember in the spring there were quite a few articles in our paper, the *Ottawa Citizen*, that described the frustration of Quebec workers themselves at not being able to work in other construction regions of their own province.

We have to keep all this in perspective to make sure that this item does not degenerate into a fight between Quebec and Ontario. I don't think anybody wants to see that happen. But at the same time, what we are doing is sending a very strong and clear message to the Quebec government, to the Quebec construction employers and to the Quebec construction workers that we mean business, that the way things are is not acceptable, and that changes have to come about. The sooner we can do it, the better.

Thank you, Madam Speaker, for having given me the opportunity to speak.

The Acting Speaker: Questions and/or comments?

Hon Mr Rae: Madam Speaker, this is my first opportunity to congratulate you in the chair, so I will certainly do that and say that we look forward very much to your participation in the debate.

The comment that I wanted to make to the honourable member was that I am not quite clear whether he's supporting the legislation or not.

Mr Daigeler: I am.

Hon Mr Rae: Well, I think the Liberal Party has to make up its mind. His leader was the first one, the first in his party, the first in his provincial party, to come forward and argue that this is something that needed to be done. I would have hoped that we would have had a more ringing endorsement of the approach we're taking and of what needs to be done in order to address the systematic discrimination against our workers and against our products in the province of Quebec.

I hope very much that the approach we're taking will have the support of the honourable member.

Mr McGuinty: I want to congratulate my colleague for his comments. I want to also make it clear that I don't think anybody in my party takes any particular delight or pleasure, as I said earlier, in having to support this legislation. Notwithstanding that, we feel there's no alternative. We feel the government has quite properly moved on this issue that has been outstanding for some

time. I just want to make that very clear.

Mr James J. Bradley (St Catharines): I want to commend the member for Nepean on his remarks this evening and on clearly stating his support of this legislation which is before the Legislature.

There have been many questions directed to the government. The government has been understandably reluctant to move very quickly on it, because there was a hope on the part of members of the government and I think all members of this House that there could be a resolution which would not involve legislation or regulations or a major confrontation with an adjacent province, the kind of confrontation which is never easy to engage in politically. It's quite easy to engage in from time to time, but in terms of our circumstances in dealing with other provinces, particularly the province of Quebec, the government I know has not wanted to move without first giving an opportunity for Quebec to move.

What has happened quite obviously, as the member has pointed out, is that the province of Quebec has not been prepared to move as we would have hoped. Particularly at a time when everyone seems to be talking about trade, when around the world trade barriers are coming down, it must be frustrating to all of those who hold positions of responsibility in government at the provincial level to watch the provincial barriers remain. Those who are dependent upon jobs in the area adjacent to the Quebec border particularly have to be annoyed that the Quebec government has not been prepared to take the action.

What has happened as a result of the questions which have been asked in this House and the response of the government is that we start to see some movement on the part of the government of the province of Quebec. It is still not satisfactory to meet our needs in this province, but we are beginning to see some progress at long last. I think that with the unanimous support of this House of this legislation in this session of Parliament, there will be an understanding in the Quebec National Assembly that we mean business and that we want to see something reciprocal on the part of the Quebec government.

The Acting Speaker: We have time for one further question or comment. Seeing none, the member for Nepean has two minutes to respond.

Mr Daigeler: Let me say first of all that I'm pleased the Premier is here at this late hour. I'm not sure what gives me the honour. I hope it's my speech, but it might be just that the press gallery is holding its Christmas party or that perhaps he has to shore up his own caucus to make sure that they still stay here at this late an hour. But whatever it is, the Premier should know quite clearly that already in May I supported the member for Carleton when he called on the government to introduce legislation to show that this province means business.

But Premier, I think you of all people—and I say this seriously and I mean it. I have heard the Premier speak very eloquently and very meaningfully in this House on the relationship between this province and Quebec. He got the support of all sides of the House, certainly of myself, where he spoke very eloquently and meaningfully about the need to respect each other in this country and not to use these irritants we have to let these things get

in between the reality that we are one country here.

That's what I was trying to say here, that while I support this measure, I think we must deal with it extremely carefully and extremely sensitively, because frankly, Premier, I am very concerned that this matter has the potential—I hope it will not happen—of really firing up the emotions. If you put this matter in the wrong hands—we do have some in Quebec; we have the Bloc québécois; we have the Parti québécois—that's what I'm concerned about. That's why I put forward certain comments and questions and concerns, and I do hope that the Premier and his cabinet will take those into consideration.

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The Acting Speaker: Further debate?

Hon Mr Rae: I have been asked by my colleagues to be brief and I will be brief. Let me start by saying to my colleague from Nepean that I listened very carefully to his remarks. I'm here tonight because it's my House duty and because we're sitting until midnight, and I do what the whip tells me to do. I was asked by the whip and I can say I'm delighted to be here this evening.

I do want to say a few things about this subject, because it's a subject about which I feel very strongly because it does have to do with the relationship we have to our sister province, the province of Quebec. Of course, I know that some of my words will be marked and noted by those in other jurisdictions, so I'm choosing my words extremely carefully.

I've been struck in my time in public life that this issue has been with us for some considerable period of time. The issue, for example, of our inability to get contracts readily accepted in the province of Quebec has been ongoing for some time, and we feel that relatively speaking we have an open door. Relatively speaking, for example, we can point to any number of public contracts which are carried out by school boards or hospitals or regional municipalities in which companies from the province of Quebec are able to compete.

We are not able to sell our buses in Quebec, but the region of Ottawa-Carleton and other parts of the province have, in their wisdom, decided to buy buses from the province of Quebec, yet we are not allowed access in any real economic sense into that province for buses that are produced here.

Our contractors have been at a systematic disadvantage for decades. I think the last boom allowed us the luxury to in a sense not deal with this problem, but it is now, I think, the overwhelming sense of this Legislature and the overwhelming sense of this province that we cannot allow this situation to continue in its current form.

I want to stress, because some things have been said outside this place which I think need to be addressed, that the clear message we are delivering is that we will do what mirrors Quebec's actions, not because we take any delight in it or because there is any sense of vindictiveness on our part, but only because we literally can't think of any other way to get the government of Quebec and the people of Quebec to understand that if they discriminate against us for a long, long period of time, they

should not be surprised if our patience literally wears out.

We carried out a process of negotiation with the province of Quebec and I happen to believe that the province of Quebec did not think that this government, this Premier or any Premier or any government in this province would ultimately take action. I think they thought that we would complain and that we would try and seek some solutions, but I think they believed that at the end of the day we would not act.

I tried to tell the Premier of Quebec, and our minister tried to tell their ministers and our officials told their officials, that while this may have been true of public opinion in the province in the past and while it may have been true of governments in the past, it was no longer true, not because of any particular agenda that this government or that this Premier has but because I honestly believe, and I say this without any rancour at all, that any government, that any Premier standing in his place today, whether he were a Liberal, a Conservative or a New Democrat, would be taking the same action. We're the ones who have taken it and we appreciate the support which we believe we are receiving from the opposition parties. I do want to deal with a couple of the issues that have been raised by people during the debate.

The first is the suggestion, for example, that there are projects which would otherwise proceed which will not proceed because of what we're doing. That is false. There should be no surprise here. This has been in the works for some time. The statements have been made clearly through the summer and in the fall by the minister. There's absolutely no reason why any public body in this province should now be turning around and saying: "Oh, my goodness. We had no idea this was coming. What a terrible surprise. We can't proceed."

I would say very directly to the member for Nepean that I think he and I have a job to do. We all have a job to do to say to any public body that's responding in that way, "Please, there's no objective reason, in terms of the contracting process or in terms of the level of unemployment in Ottawa-Carleton, the number of contractors throughout the province who are prepared to bid on any project that's going, who are hungry for work, and there's no need to play around with this issue in terms of getting projects under way." That is a message that I very clearly want to deliver.

Vous savez très bien que cette question n'est pas nouvelle, que cette réalité est avec la province depuis très longtemps. Pendant les réformes du gouvernement de M. Lévesque et les changements dans le domaine de la construction, le gouvernement de l'Ontario, pour des raisons que franchement je ne comprends pas tout à fait, a décidé d'accepter ces changements dans le régime légal en ce qui concerne le travail, en ce qui concerne les contrats et en ce qui concerne la construction.

Alors, pendant les années 80 nous avons eu, comme vous le savez tous, une période de croissance économique où la question du chômage dans la construction n'était pas une question de tous les jours et où peut-être il était possible pour un gouvernement de ne pas vraiment mettre la priorité sur cette question, nos relations avec la province de Québec en ce qui concerne la mobilité des

travailleurs.

Mais maintenant, ce n'est plus possible pour n'importe quel gouvernement d'ignorer ou de montrer une ignorance envers cette situation parce que l'impact des lois et des mesures prises par le gouvernement du Québec depuis longtemps a été de vraiment empêcher les travailleurs ontariens et les employeurs ontariens d'avoir la possibilité de travailler ou d'offrir des emplois dans la province de Québec.

En même temps, nous avons eu des frontières à peu près ouvertes. Il y a des milliers et des milliers de travailleurs du Québec qui travaillent maintenant dans la province de l'Ontario. Nous avons, on peut le voir dans chaque ville, dans les conseils scolaires, dans tous les contrats, des millions et des millions de dollars dans des contrats des conseils publics de la province de l'Ontario avec des entrepreneurs québécois.

Normalement, c'est quelque chose que je célébrerais. Souvent, on me pose la question quand je vais dans le nord-ouest de notre province, et je reçois de temps en temps des plaintes des gens disant : «Écoutez, vous avez des gens du Manitoba qui viennent travailler, vous avez des contractuels qui viennent du Manitoba qui prennent le travail des gens de l'Ontario ou des entreprises de l'Ontario. Qu'est-ce que vous pensez de ça, Monsieur le Premier ministre ? Est-ce que vous n'allez pas l'arrêter ? » Je dis, «Absolument pas.»

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On l'accepte parce que nous avons accès au marché du Manitoba et les gens de Thunder Bay ont le droit de travailler à Winnipeg, nous avons le droit de travailler en Saskatchewan et nous avons le droit de travailler là-bas, et nos gens peuvent faire des efforts pour gagner des contrats au Manitoba.

Mais maintenant, et on doit le dire, avec les règles du jeu qui existent et avec la loi qui existe à présent, nous n'avons pas le droit de le faire maintenant dans la province de Québec, mais les Québécois peuvent venir travailler chez nous. C'est ça qui cause un sens de discrimination, et je sais très bien que dans la culture politique du Québec, il est difficile d'accepter que les Ontariens puissent sentir un sens de discrimination, parce que ce n'est pas ça. C'est parce que nous sommes, dans la culture politique, dans la majorité et c'est difficile d'accepter que nous, qui venons de l'Ontario, ayons un sens de discrimination, mais ça existe.

I speak as someone who is an eastern Ontarian by birth. Listening to the debate I think of our colleagues from Ottawa, my good friend the Minister of Housing, who very much wants to get on with her bill, and she will in a moment, who has spoken to me so many times in our caucus in cabinet discussions about this. I listen carefully to and read carefully the remarks that have been made by the member for Nepean, the member for Ottawa East, the member for Prescott and Russell, my colleague from Stormont and I think Mr Bisson, my friend the member for Timmins, because we have a problem that goes right up the Highway 11 corridor and all the way across, and all the way down to Hearst we have the problem and the issue and the sense that it's not fair.

I just want to say to my friends in Quebec who are listening that we do this as a mirror to what you are doing to us. As soon as you stop doing it to us, we will stop doing it to you. It's as simple as that. I cannot put it more directly.

We do not enter into this period with any sense of joy but we do enter into it with a sense of determination. The people of Quebec and the government of Quebec underestimate our determination at, I believe, their disadvantage.

So I hope very much that we will be able to enter into a serious period of negotiation in which what will be on the table will be genuine reciprocity, and that to the extent that genuine reciprocity is in fact on the table and able to be discussed, we are there and we're ready to move. I've said that to Mr Bourassa and I would say it to the next Premier of Quebec, whoever that may be.

Let me say one last word on the subject of Mr Bourassa. He is a friend of mine. He's a friend of every Premier who's worked with him. I know that all the members of this House would want to join with me in wishing him a long, healthy and happy retirement from public life. We admire him for his courage, for his dedication to the people of Quebec and, if I may say so, for his dedication to the people of Canada.

I think all those of us who have been involved in negotiations with Premier Bourassa admire him for his tenacity, for his subtlety and for his ability. He is a consummate politician, and I hope that my colleagues will understand me when I say that when I use that word, I do not mean it as anything other than a compliment, since I consider myself to be a politician as well. He's somebody who believes strongly in the needs and interests of his province, and I do not resent or take anything away from him for that. He's somebody who also believes in the country.

I hope that the people of Quebec would allow us the same measure of sincerity. We are doing this because it is clearly the feeling of the Legislature of this province that it is something we must do to protect the interests of the working women and men and of the businesses of this province. We very much want open borders, open frontiers and an open economic relationship with Quebec. We know that is in the interests of our province. We also know that an open relationship with us is in the interests of the people of Quebec. So I say let the negotiations, the real negotiations begin, but I tell my colleagues they will only begin if we have the determination to act in our own interests.

The Acting Speaker (Mr Noble Villeneuve): Thank you, Premier. Questions or comments.

Mr Bradley: First of all, I believe the Premier is correct in his assessment that the circumstances today that the government of Quebec and the government of Ontario are facing are substantially different than they were in the past, that while, as he has appropriately identified, during economic boom times one can often overlook matters that are an irritant, when times are difficult, as they are today, Ontario will stand up for Ontario's rights and for the people of this province. This bill should not be seen as an anti-Quebec bill but rather as a bill that is in favour of

fairness in terms of trade and in terms of labour between two provinces.

Our patience in Ontario has worn thin. Successive governments have been fairminded and have attempted to persuade the province of Quebec to change its rules, its regulations, its legislation, and it is only in these circumstances, where we're proceeding with this legislation, where we are now going to get some kind of reciprocal action, we hope, from the government of Quebec.

The Premier faces this when he raises this issue. I know that he will recall, as I have, instances in the past where it was good politics to bash Quebec. That's not what this bill is about. That's not what the government is doing. That's not what the opposition is calling for. He will recall the days when there was the dog whistle of politics, I used to call it, when you used certain code words to indicate that you were anti-Quebec or anti-francophone, and that was good politics with a small segment of the population. I well recall that happening. That is not what this bill is about. I have known the Premier too long to believe any suggestions from outside of this province that this legislation is a desperation act on the part of a government which is low in popularity. Rather, it is a consensus of this province that we must have rules changed for the good of all people.

Mr White: Time.

Mr Bradley: Thank you very much for telling me my time was up, sir. I really appreciate it.

The Acting Speaker: Further questions, further comments. The honourable member for Willowdale.

Mr Charles Harnick (Willowdale): I appreciate the very measured and careful remarks of the Premier and I think it's worth noting that it's regrettable to have to legislate, but in this case it's necessary. It's also worth mentioning that this developed as an issue about a year ago. It developed when the member for Carleton pointed out to this Legislature what was happening in his community. It developed when he said that construction trades in his community were jobless, not because there was not necessarily any work available in the Carleton area but because work was being taken by construction trades from Quebec and they didn't have the reciprocal right of Ontario construction workers to seek work in the province of Quebec. That's what brought this to the Legislature and that's what made it an issue.

We then had a period of time, as the Premier noted, when there was an attempt to negotiate. Unfortunately, that attempt to negotiate was not successful. That's why we're now facing the legislation and that's why we are doing in this province what the province of New Brunswick had to do some time ago. It's regrettable, but I suppose reciprocity has to be achieved, and if you can't achieve that by negotiated means then you have to legislate.

Just a final word: I appreciate the Premier so candidly coming here tonight and talking about the necessity of reciprocity in terms of trading relationships, open borders and open frontiers. I think the Premier is now looking at the concept of free trade in a much more open and a much more realistic way, and that is certainly something

one can take from his words tonight.

Mr Gary Malkowski (York East): I'm happy to participate. I'm sitting here listening very carefully and listening to the member for York South, who has strong words of consultation for us here in this House and also words to the people of Quebec and to the government of Quebec and to the working people that their legislation at this point does discriminate against the workers here in Ontario. That's very clear. This is not an anti-French bill. This is a pro-Ontario worker bill, one for fairness. We do not accept discriminatory practices against our people from other provinces.

I have many relatives, francophone relatives, who live in Quebec, who are able to come here and work while we are unable to go there to work, and many francophone relatives outside of Quebec, in other provinces. So I wish to say that our government supports this bill. This will go a long way to induce some fairness in the trade and the working rights of the people of both provinces. Discriminatory practices from any government are unacceptable, and it's time we took a stand. I'm very proud to stand here in my place and to say that we won't take this any more, this kind of discriminatory practice from one government to the people of another province. So I really am very proud to be able to stand in my place here along with my colleagues in government and the opposition to say to the people of Quebec that we welcome your participation, providing it is fair.

It is very tough. This is a tough measure for all of us to swallow, but this is also a non-partisan issue for us in this House. We appreciate the good words of support from all three parties here today, and specifically from our Premier, the member for York South.

So we send a message to encourage the people of Quebec to rethink their policies and to be a little more fair in their hiring practices to the people of Ontario, and to encourage better economic growth and trade between our two provinces, as Ontario and Quebec have the largest trading partnership of the provinces in Canada. This is a direct, clear message to you. We hope you're listening and we hope we'll see some productive change and some fairness. This is what the intent of this bill is.

The Acting Speaker: Thank you to the member for York East. The honourable member for Ottawa East, the final participant.

M. Grandmaître : Monsieur le Premier ministre, laissez-moi vous féliciter pour le premier pas dans la bonne direction. Comme vous l'avez si bien mentionné, les règles du jeu ont changé au Canada, et sûrement en Ontario.

Je crois que l'Ontario a été la province la plus affectée par la dernière récession, et je crois que c'était le devoir de votre gouvernement d'agir envers le Québec, non seulement pour des représailles, mais pour dire au Québec que les temps ont changé, qu'il faut agir, qu'il faut collaborer si nous voulons le succès non seulement du Québec mais de notre province de l'Ontario. Il faut travailler ensemble si nous voulons avoir un Canada fort et un Canada qui va travailler pour tous les citoyens, non seulement ceux du Québec et de l'Ontario.

Monsieur le Premier ministre, vous avez dit, «Maintenant, les négociations sérieuses débutent,» que c'est le début des négociations sérieuses. J'espère que, de temps à autre, vous allez vous lever en Chambre pour nous dire exactement où en sont rendues les négociations.

Je crois que tous les députés de cette Chambre sont intéressés à connaître les négociations de notre gouvernement ; je crois que c'est très, très important. Je crois que votre gouvernement a manqué. Moi, j'ai été choqué parce que j'ai eu un «briefing» de votre ministre, mais par contre, je crois que tous les députés de cette Chambre devraient avoir l'occasion de connaître les vraies intentions et les vrais gestes posés par le gouvernement de l'Ontario envers les barrières, envers ces irritants qui nous empêchent de faire de la province de l'Ontario une province fière.

Le Président suppléant : Ceci termine la période de questions et commentaires. Mr Premier, you have two minutes in response.

Hon Mr Rae: I would just say that I appreciate very much the comments that I've heard from all of my colleagues. I particularly want to thank the member for St Catharines, because he did point out in his gentle way that one of the things that is being floated about in the province of Quebec is that this is some last, desperate move by a Premier who's desperately seeking popularity. I think if I were desperately seeking popularity, I might have chosen to take some other courses than the ones I've chosen to take this year. But I do think that the people of Quebec and the government of Quebec, the National Assembly of Quebec, have to understand how unanimous this view is in terms of what we are doing.

Secondly, I want to say in response to the member for Ottawa East that I would hope one of the first things the committee would do would be to call on the Deputy Minister of Intergovernmental Affairs and the assistant deputy minister of Intergovernmental Affairs, Mr Bornstein, who have been very heavily involved in these discussions and who are very knowledgeable about the various measures that have been taken in Quebec and the responses we're getting from them. I would hope very much that we would be able to do that in the committee.

There will of course be hearings. I think that's the general understanding, as well as what else is happening. I would undertake certainly that when we see any movement or we have anything to report, we will of course report it. Unfortunately, the difficulty has been that we haven't had enough movement to report, which is why we're taking the steps that we're taking.

The Acting Speaker: Further debate on second reading of Bill 123? Seeing none, the honourable parliamentary assistant to the Minister of Labour.

Ms Murdock: I wish to thank the members for Ottawa South, Prescott and Russell, Nepean, Ottawa East, S-D-G & East Grenville, and Carleton, as members of the opposition, all of whom, including yourself, Mr Speaker, have spoken to the bill this evening and all in favour. I would also like to thank the members for Yorkview, Cochrane South and York South for having contributed to the debate as well.

I'm looking forward to committee, and I'm hoping that everyone will support us here on second reading.

The Acting Speaker: Mr Mackenzie has moved second reading of Bill 123. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Hon Mr Rae: Committee.

The Acting Speaker: To which committee?

Ms Murdock: It goes to the standing committee on resources development.

The Acting Speaker: The bill shall be ordered to the committee on resources development.

EXPENDITURE CONTROL PLAN
STATUTE LAW AMENDMENT ACT, 1993
LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE PLAN DE CONTRÔLE DES DÉPENSES

Mr O'Connor, on behalf of Mrs Grier, moved third reading of Bill 50, An Act to implement the Government's expenditure control plan and, in that connection, to amend the Health Insurance Act and the Hospital Labour Disputes Arbitration Act / Projet de loi 50, Loi visant à mettre en oeuvre le Plan de contrôle des dépenses du gouvernement et modifiant la Loi sur l'assurance-santé et la Loi sur l'arbitrage des conflits de travail dans les hôpitaux.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have some opening remarks?

Mr Larry O'Connor (Durham-York): As the members will recall, this bill first came to the House here on June 14. The intent of the bill was to permit the government to manage the high costs to the province's health care system more effectively. Specifically, Bill 50 enables the Ministry of Health to implement certain expenditure control measures to meet fiscal targets over the next three years.

The overall measures are to promote the good management of our current health care system. They will help to keep the system affordable, sustainable and accessible to help us achieve our goals of health care reform.

As the members know, Bill 50 has undergone many changes over the last few months, changes which reflect the agreement that's been signed in August between the provincial government and the Ontario Medical Association. I'm pleased to say that we were able to meet most of our objectives with the physicians through negotiations rather than strictly legislation. In fact, in August the agreement between the OMA and the government committed to reaching the fiscal targets. We continue to work together to find ways of reducing and preserving our medicare system.

Included in this work, of course, is dealing with the province's supply of physicians for a better distribution of physicians right across the province. One of the most positive aspects of the new agreement is that the government has a specific amount budgeted for doctors' billings. Under the previous arrangement with the OMA, we had no mechanism for staying within our targets, since the system was open-ended. We now know exactly how much we will spend, and we're going to stick to it.

As many of the members will be aware, in October the Ministry of Health put forward amendments to the bill to reflect the commitments made between the OMA and the government. After several weeks of public hearings, the bill was further amended by the social development committee on November 16.

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I'd like to thank all those who appeared before the committee for their insightful comments and suggestions that have improved the bill, and the committee members who were there as well.

In its present form, the bill contains the new provisions to section 2, which amends the Health Insurance Act: provisions involving the reporting of health care fraud by physicians; determining the liability for payment of third-party uninsured services; interim restrictions on fee-for-service billings; and provisions which provide for greater flexibility in how we meet our agreed-upon savings for the physician component of OHIP.

Bill 50 also guarantees that physicians cannot be sued by their patients for reporting health care fraud or for taking possession of a health care card.

Members may be aware that the ministry has taken a number of actions to reduce health care fraud in the past several months. One of the standing committees of this Legislature just tabled a report on some of the actions that have been taken up to this point: the standing committee on public accounts. In fact, during that process, I recall a conversation about a smart card. This is an example, and there's a little chip in the back.

The ministry has also set up a toll-free line so that the public can report suspected abuse. We have hired in the ministry a forensic auditing firm to advise us on the establishment and implementing of appropriate investigative procedures. We are examining ways to make the health care card tamperproof and will improve the security control systems. That's something that I think all of us want to be part of.

Specifically, Bill 50 will provide the ministry with the ability to deal more effectively with the inappropriate claims for insured services submitted by health care practitioners. The Medical Review Committee and the practitioners' review committee will be expanded to deal with the backlog of cases that are currently before these two bodies. We'll note that in the Provincial Auditor's report yesterday, he made mention of this, and that's something that will be dealt with.

Another example the auditor had pointed out was one physician who was billing approximately half a million dollars over the past two years while his peers were averaging around \$200,000 in billings. He pointed out that the Ontario government currently has little recourse to take, other than sanctions against the offending physicians, to get the money back that was inappropriately charged to OHIP. That has been a tedious process.

As of April 30 this year, there were 156 cases of unusual billing patterns awaiting attention. The waiting time has stretched to an average of 32 months. That's why we must clear up this backlog, so that we can recover the taxpayers' money more quickly from phys-

icians and other health care professionals who have overbilled OHIP. In fact, over the past three years, the Medical Review Committee has ordered the repayment of \$6.8 million, but only \$3.1 million has been recovered.

Another important section of the bill deals with the payment of uninsured medical services required or requested by third parties. Third-party requests include back-to-work notes, forms for insurance companies: a range of documentation for which physicians cannot bill OHIP, because these are not considered medically necessary. That's an area that I'm sure we'll have a little bit more discussion on as we go through this debate.

One more key area of the bill that I want to mention today involves our goal of managing the province's physician resources more effectively. The bill contains a measure that limits the fee-for-service billing privileges of new physicians who were not trained in Ontario. The government views this as a temporary measure. The bill stipulates that this provision will be in effect only for the duration of the government's agreement with the OMA, which lasts until April 1996, or until the national physician resource management agreement has been reached.

During this period, the government will grant fee-for-service billing privileges only to licensed physicians whose medical degree is from an institution in Ontario or who have successfully completed at least one year of post-graduate medical training in an accredited Ontario post-graduate program that will lead to certification by the College of Physicians and Surgeons of Ontario or the Royal College of Physicians and Surgeons of Canada. This measure does not affect any physician who is already billing the system in Ontario. Moreover, the restriction does not apply to any physician who has applied for a registration number before August 1 or has been practising in Ontario before August 1.

However, the passage of this bill does effect about 90 doctors who came into Ontario after August 1 and who have received billing numbers. Technically, their right to bill OHIP expires with the royal assent of this bill, but the minister is quite concerned about this and is working with these doctors to try to introduce a grace period so that they can make other arrangements which would mean a salaried job or a request for an exemption. Ministry staff will be getting in touch with these people immediately to let them know of this reprieve they have received.

Under the Bill 50 provisions, the Minister of Health can exempt physicians or groups of physicians who undertake to practice in underserved medical specialties or in academic or geographic areas where circumstances warrant. This will help us to manage the human resource issue better by offering fee-for-service opportunities to doctors who will go where they are really needed.

At the same time, I want to make it clear that Ontario continues to welcome doctors who have received their training outside of Ontario. These physicians will be eligible for a number of contract positions under the new programs for non-fee-for-service contracts which will be worked out with the OMA. Our strategy is to use these contracts in part to address the physician shortages in isolated and rural communities, as well to encourage

more doctors to practice specialties where there are shortages. For example, there are not enough physicians in the province providing treatment for people with HIV or AIDS. We see a non-fee-for-service contract as one of the important ways we can address this problem.

I will close my portion of this debate by simply restating that Bill 50 is an important element in our government's plan to hold the line on health care spending. Establishing predictable, stable funding for health care services is a vital part of good management, and good management is very vital to the continued wellbeing of the Ontario medicare system. Therefore, I'd like to ask the House to proceed with third reading as quickly as possible so that we can receive royal assent and enact the savings we hope to achieve through this. I look forward to hearing the comments by the critics of the ministry.

The Acting Speaker: Questions or comments? Further debate?

Mrs Barbara Sullivan (Halton Centre): As I begin my remarks on Bill 50, I want to say to the House that I really believe the way this bill has developed is the worst approach possible to lawmaking. On June 14, the Minister of Health introduced a government expenditure control bill affecting the health sector, and if in tonight's debate we look at the form of that original bill, I think we will discover that what we are voting on tonight is significantly and substantially different from what we dealt with in the original bill. As a consequence, I want to go back to the genesis of that original bill and remind people where we came from to get where we are now.

First, the original Bill 50, in its first form, provided power to the government and to other health care providers to suspend their contractual and other obligations to provide money for services which had been rendered in the health care field. It said that any contract, including collective agreements which had been reached, could be suspended until April 1, 1996. Of course, that clearly is the social contract bill. In its original form, Bill 50 did many things, and I believe, Mr Speaker, you will recall much of the debate in this chamber with respect to the original bill and the very strongly held belief that Bill 50 as it was presented was a singular and very strong attack on medicare.

2150

When Bill 50 was introduced we said in this place that we felt it had extraordinary implications for the public, for physicians, for hospitals, for the health care system generally and indeed for medicare. It provided the Ontario government with draconian powers to impose massive cuts on medical services and therefore, as a direct consequence, on care that was provided to people in our community.

Those cuts, under the original bill, could have been made without any reference to the need for those services or to whether an individual or a group of individuals would be adversely affected by the results. In the original Bill 50, the government gave itself the sole power to determine the circumstances and the conditions under which doctors and other practitioners and patients would be reimbursed for medical services. It allowed the Minister of Health and the government of the province to

determine behind closed doors that a person could only see a doctor for a specific treatment a certain number of times. It allowed the Minister of Health to say that a doctor wouldn't be paid for services that he or she had provided to patients.

It didn't require that limitations be put on doctors' services only when those services weren't necessary; in fact, the original bill gave the minister and her bureaucrats in the Ministry of Health the unilateral power to ration services that were insured under our health care plan and that were medically necessary, no matter what the effect that rationing would have on the person who needed to receive those services. The bill said that those cuts could be made, not because those services weren't medically necessary but simply because the minister didn't want to pay for them.

That's what the original Bill 50 was all about. It gave the minister the power to say where and how a doctor could practise medicine. An older doctor might have different rules to follow than a younger doctor, and those rules could be imposed without any check on the minister or the government, without negotiations with the medical association, nor any discussion of the efficacy of that decision. In fact, the original Bill 50, as it was presented in the House, overrode the framework and economic agreement which the government had originally set up with the Ontario Medical Association and said that whatever contractual arrangements existed for payments to doctors were of no value. They could be set aside by decree of the minister and there was no recourse by the individual doctor, nor by the association which represents all doctors in the province and which is legally entitled, required in fact, to negotiate on behalf of those doctors.

That was the original Bill 50. Tom Walkom, as you know, who writes for the *Toronto Star*, looked at the bill and said: "It's unclear what exactly the government hopes to win from all of this. Bill 50 would allow the cabinet to busy itself in the minutiae of deciding how many times patients can see their doctors." In his article he quotes Layne Verbeek, who is a Ministry of Health spokesman, as saying, "The government has little intention of using this blunt instrument."

Well, the government did have a purpose in putting the bill forward in its original form. Yes, it raised the spectre of the decimation of medicare in this province. Yes, the bill in its original form was a breach of the Canada Health Act, and I'll give you an example of that, particularly section 10, with respect to universality. Section 10 says, "...the health care insurance plan of a province must entitle one hundred per cent of the insured persons of the province to the insured health services provided for by the plan on uniform terms and conditions." The Canada Health Act doesn't say that an insured service can be an insured service in one place on one day, but not an insured service in another place on another day. It doesn't say that an insured service isn't an insured service if the patient has received it before. It doesn't say that an insured service isn't an insured service if a quota has been met.

None the less, the government proceeded and introduced a bill that did precisely those things. The govern-

ment in fact wanted what Mr Verbeek described as a "blunt instrument," because it wanted something that was very blunt to put on the negotiating table with the Ontario Medical Association. It wanted to put doctors on notice that it was prepared to pay—and I could quote—"a reduced amount or no amount for treatment that doctors provided to patients," and further, that it could claw back that money to April 1, 1993. Bill 50, in its original form, was the Ministry of Health's hard bargaining position at the Ministry of Health and OMA negotiating table.

When I say that I don't believe the lawmaking process should be used in this way, I suggest to you that bills that are presented to this Legislature should be presented in a serious way with respect to the legislative process. They should not be presented as a distortion or as the hard bargaining position in collective bargaining ploys or used as an instrument to those ends.

However, that's precisely what occurred, and that's why Bill 50 looks quite different now than it did when it was first presented to the House. When things changed at the OMA and the MOH bargaining table, the government proceeded by introducing amendments to the original Bill 50 in October. It brought in massive numbers of amendments that were out of order but—this once again is how the legislative process was distorted and disrupted by the process on this bill—opposition members were frightened to call those amendments out of order, and most of them were out of order, because we were afraid the government would move back to that blunt instrument. We were afraid the government would move back to its original position with a bill that we were convinced would destroy medicare and give the Minister of Health powers to make decisions and to interfere in decisions with respect to the medical necessity of procedures.

So by amendments, most of them out of order, which the opposition accepted, frankly, because we were frightened of what was going to happen in the process, we have a totally new bill. This bill deals with what came out of those OMA-Ministry of Health negotiations. I'd like to speak to some of those sections that are now in what could in fact be called a new bill.

Our position was that Bill 50 in its original form should have been completely withdrawn and a new bill presented. That procedure would have respected the integrity of the legislative process and the integrity of lawmaking in this province. We should not have to depend on brinkmanship to develop our laws. The only alternative, in fact the alternative that should have been taken, was to withdraw Bill 50, come back with another bill with reasonable and appropriate approaches directly as a result of the agreement if that was necessitated by the agreement.

But we had a gun to our heads, and I for one, along with many others in my caucus and in the third party and indeed on the government side of the House, feel that this is an inappropriate use of the Legislature and an inappropriate way to approach a collective bargaining process.

As I move to what is in what I have to call the new bill, one of the sections of the new bill deals with health cards and deals with issues which have been raised with respect to health card fraud. As you know, there has been

much anecdotal reportage of extensive fraud in the health care system and what I believe is a sloppy report that was prepared in the bowels of the Ministry of Health with respect to health card fraud.

2200

I believe that projections that were included in that report that was prepared in the ministry were based on samples that were too small from which conclusions could be drawn, that figures were thrown around with respect to risk or exposure. These were not economic projections, which they should have been. If we're going to base a system and make public policy decisions, then at least we should have the basic facts.

None the less, a new section of the bill deals with health cards and indicates that physicians will participate at point of service in assisting the government to determine when and if health card fraud exists by reporting to OHIP, to the health insurance plan's general manager, when the physician or an agent of the physician believes that someone who is not insured under OHIP is receiving insured services.

We had some very interesting discussion at the table when that amendment came forward, and the OMA lawyer, frankly, I don't think impressed a lot of people who were legislators in the room, for a number of reasons, not the least of which was that he was conducting telephone conversations at the back of the committee room on a cellular phone while the proceedings were going on. None the less, the OMA position was that the agreement didn't require mandatory reporting, that the agreement gave the option to the doctors of reporting—reporting, but not necessarily so.

The government's view was quite a different one, that the agreement required reporting and that there was a tradeoff, although the government representatives, I discovered, didn't really know that there was a tradeoff. I refer to the agreement which shows that there was a tradeoff. In fact, the Ontario Medical Association, in the agreement with the government, had said that in exchange for a one-time payment under a particular rule, called the J-8 rule, "Physicians will provide the Ministry of Health with the health number and other corroborating information about the cardholder (address, date of birth, name etc) and a physician who becomes aware that a health card presented by a person is ineligible shall request the person to surrender the card to the physician."

When that was pointed out, it became very clear that our position would be to support the government's position with respect to mandatory reporting of fraud with reasonable grounds to believe that a person who was not eligible for health insurance was attempting to receive or had received insured services and was not going to participate in paying for those services.

I thought it was interesting, though, that while the reporting requirement for physicians at the point of service who suspected health care fraud was a mandatory reporting requirement, the other side of that issue, the question of professional fraud, which has been identified as a possibility in the system—in fact, the parliamentary assistant to the Minister of Health spoke about that issue in his opening remarks, that while, on the one hand,

physicians are required to report when they believe fraud to have existed, a consumer who believes that professional fraud has been committed, that a physician has attempted to receive payment for services not provided or whatever other elements of fraud may have been committed, a consumer has the option to report or not to report. Another provider has the option to report or not to report.

These may seem like arcane arguments, but in fact when any investigation of the use and abuse of health cards or of the health card system is done, it's been clear that the fraud that may be identified isn't always a consumer fraud. There may well be issues at stake with respect to how professionals themselves are using the system, and we felt that there should be an equivalency in the reporting requirement. The government turned that down, I assume because the issue was not covered specifically in the OMA agreement, although I believe it would have been a useful addition to this bill.

Another issue, since the OMA had made the very strong argument with respect to their requirement to report, was on what basis the OMA would report or other health practitioners would report. We suggested that there are different tests and the test of knowledge might be a useful one—sorry, the OMA suggested that knowledge might be a useful test. We investigated that and in fact we did a little homework about the difference in the reporting standards of whether knowledge or reasonable grounds are the appropriate mechanism and discussed those issues with Ministry of Health lawyers who talked with us about the tests and about how they are usually applied in terms of reporting, knowledge being the actual knowledge issue, the firsthand knowledge, the evidence having been received. The issue then of the word "knowledge" being used in the final reporting requirement is a matter that is more akin to, say, an accountant reporting on a fraud that they may have seen in somebody's books with respect to what income tax should be paid.

None the less, the government indicated that it would support the OMA position and that the knowledge test would be the test. That was the OMA's position as well. Interestingly enough, I have a document from the OMA which says that doctors don't believe that mandatory reporting should come about because it necessarily transforms the physician's role from care giver to inquisitor, and yet the government has accepted the Ontario Medical Association's proposal that the knowledge test be used, and that knowledge test itself requires a certain amount of investigation.

So we'll see how the doctors like what has been brought forward by their own council and by the government with respect to that kind of test, because I can tell you that there's going to be more of an onus for an investigatory approach on physicians than existed before.

We believe, and I think all parties believe, that the integrity of our medicare system has to be insured by ensuring that only those people who have access to our services and who receive those services are eligible for those services, that they meet the criteria not only of the Canada Health Act but of the Ontario Health Insurance Act, and we believe strongly in those areas.

Other aspects with respect to health cards are singularly problematic in that the OMA-Ministry of Health agreement also includes an agreement that a photo identification card will be the option used to identify those persons who are eligible for health care in Ontario. 2210

Interestingly enough, in another committee, in the public accounts committee, we questioned members of the Ontario Medical Association with respect to those health card issues, how they came to the conclusion that the photo identification card was the appropriate card. In fact, the homework hadn't been done.

In the system, there is no evidence that the photo identification card will go anywhere in terms of dealing with the health card fraud issue. It will not solve the question, because we don't even know how large the problem is. We don't know if there is a problem. I repeat again, we have one sloppy Ministry of Health document which projects numbers which have not been proven. We need a far better database. We need far better information so that the health care system can be managed appropriately, so that we know how services are being provided, at what cost, in what frequency.

Instead of moving to an appropriate database system that can be used not only for the administration of the system but for health care management, the government has signed an agreement with the Ontario Medical Association for a photo identification card that may well solve none of the either short-term and small problems or the long-term and very big problems.

In fact, the former Deputy Minister of Health appeared before the public accounts committee and told us that moving to the photo identification card that the OMA and the government signed an agreement about would cost the province about \$50 million. Well, that \$50 million may well have to be re-spent because a card with a picture on it isn't going to help us plan the system, evaluate the system or manage the system. I believe that this kind of agreement is a cause for increased and wasteful spending rather than a cause for appropriate management and appropriate strategic planning so that spending can be appropriately done.

There are a couple of other issues with respect to fraud detection. I just want to refer to them for a minute or two. The OMA-Ministry of Health agreement says that interactive voice response technology should be made available to all physicians in Ontario. In the public accounts committee, where we were dealing almost simultaneously with this bill and the other bill—this bill wasn't on the agenda, but it was very much on our minds—the Ontario Medical Association came forward and, subsequent to a demonstration of that technology, told us that it wouldn't work. Yet less than a month before, they had signed an agreement saying that this technology should be introduced into the offices of all physicians.

We know that most of the provisions of the agreement with the Ministry of Health and the Ontario Medical Association have not been met. In fact, my suggestion to the government is that that particular part of the agreement should not be met, since one of the parties, very

soon after the agreement was signed, said that now that the equipment was tested they found it didn't work, it wasn't fast enough, it wasn't private enough, it didn't do many things that doctors needed it to do and they were not particularly happy that it had been included in the agreement.

Another aspect of Bill 50 and of the OMA agreement is a major new initiative with respect to third-party services that puts into place a legislative framework around billing for services which aren't medically necessary, which are not a part of OHIP as insured services but in fact have been traditionally paid by OHIP. Those services are known as third-party services. They may be medical procedures which are requested to accompany applications to camp, to school. They may be with respect to examinations of young people having perhaps just had chicken pox and whether they can return to school. They may be with respect to medical examinations to qualify for pension benefits or for insurance coverage or whatever.

There are and there always have been, as far as I know, a number of regulations indicating that certain third-party services are not covered by OHIP, but many of those services have traditionally been paid by OHIP. This has been problematic not only for this government but for the government before it and for the government before that.

About this time last year, the government, in the heat of the week before Christmas, promulgated new regulations indicating that there were new rules with respect to what services were covered under OHIP and which third-party services, those which were requested by someone else, would be paid for by OHIP. The regulations are extensive and they talk about what will not be covered: documents with respect to admission to universities, admission to recreational or athletic clubs, applications for continuation of insurance, applications for licences, entering or maintaining a contract, entitlement to benefits, including insurance benefits or pension plan benefits, employment applications and so on. They are not covered, and we concur that they should not be covered by OHIP. They are requested and are needed by a third party for purposes other than medical necessity.

However, there was no mention of third-party services in the first bill, and I've traced the genesis of that bill. As a consequence, many of those groups and organizations that will be affected by a new initiative with respect to third-party billing, which is that the physician can charge back another party for those services, knew nothing about it. They knew nothing about this section of the bill coming forward.

There was enormous stress and distress when school boards, by example, heard about these provisions, when children's aid societies heard about these provisions, when day nurseries and child care centres heard about these provisions and when insurance companies heard about these provisions.

The effect on school boards will be significant if, by example, it is a policy of the board to request a medical examination when a child returns to school after having a contagious illness. That will no longer be covered. It is

a third-party request. Who pays? That's what the school boards want to know. Who pays if the same situation exists for a day nursery? Who pays if a similar kind of request is made of an insurance company? With the insurance company, the answer is fairly easy. That's private sector, it's another arrangement, it's a contractual arrangement etc. But who pays when the costs are transferred to the board of education? Who pays when the costs are transferred to the day nurseries? What happens if that day nursery is a not-for-profit organization? Who pays? That's the question.

We've had the answer from the Ministry of Health with respect to costs which are requested from within the Ministry of Health: The Ministry of Health will pay those costs. Outside of the Ministry of Health, however, there is no answer to that question. I hope the parliamentary assistant will provide that answer lickety-split in his response tonight and that the minister will also make it very clear who pays. In my view, in many of those circumstances this is simply another transfer of costs to another level of government without the accompanying funds being guaranteed.

2220

There are also in this new Bill 50 significant changes to the bill with respect to physician resources planning. This is an area where there are enormous gaps, not created by this government, not created by the previous government and not created by the government before that, but which have existed in the system for a long time. There is no human resources analysis in the health care field. There is very little database on which to base projections, first of all, of demand for services and, second, of where people are going to come from and how they will be trained to ensure that they're available at the right time.

None the less, this bill makes provision for certain aspects, such as Ontario graduates only participating in our health care system as new physicians for a period of time. It does address issues with respect to geographical need, and possibly—possibly only—may address some of the situations with respect to shortages in certain specialties.

I suggest that in many areas—and I will give you an example of that; one of those areas is pathology. There is no data analysis that would provide a quick enough response to shortages in human resources by the ministry nor a quick enough response to meet some of the existing, very serious needs. We see the same difficulty in paediatrics in northern Ontario, in orthopaedic surgeons in northern Ontario, and in anaesthetists in northern Ontario.

Some of these shortages, which may not have received the appropriate analysis, will not find a quick and adequate response in the provisions of this bill. It takes four years after basic university to complete a medical degree. The areas of shortage are the specialty areas. We are looking at a long period of time to develop those Ontario-based, Ontario-trained specialists to meet certain areas of needs.

We've heard about specific problems in the field of AIDS delivery. We know there are enormous problems in

the field of cancer delivery. It's not only the radiation oncologists who are in short supply; it's the surgical oncologists, the medical physicists, and many other areas where that analysis and that resources planning is needed.

We hope that some of these initiatives will go someplace in terms of ensuring that we do have the appropriate trained personnel in the right places at the right time to meet the right needs, but I suggest also that this bill only deals with physician supply and distribution. There are enormous other numbers of providers, the demand for whose services and the need for whose services have also not been analysed. The work is not in place at this time, and I fear that some very urgent and long-term shortages are going to result even from this position.

A major part of the bill even existing is the physician payment provisions of the bill and the reduction which the social contract and the expenditure control plan will place on physician payment. I just want to remind you that the social contract reduction which is being asked of physicians is \$390 million over a three-year period of time, and that \$390 million will be met with a base target each year.

While the framework agreement was signed, when it was signed there didn't appear to be a process in place to ensure that those targets could be met, in that there were so many varied balances that had to be struck; one of those balances being that the social contract days would in some communities require that hospitals would be closed on certain days. And would physician services be closed on those same days? That was a proposal that the OMA presented, particularly for the first year of implementation of the social contract bill. The minister rejected that proposal out of hand just recently.

I have a letter written to physicians by the president of the Ontario Medical Association, which reads:

"As you're aware, the OMA council met to determine how best to meet the government's expenditure reduction targets for physician services. After a long and intense debate, your elected representatives opted for mandatory unpaid social contract days as the least destructive way to reduce expenditures and lessen the likelihood of a significant clawback. Because it was impossible to predict the extent to which social contract days would result in savings, ie, whether they would sufficient to meet the government's target, council also voted to implement an individualized approach to recovering funds should a clawback be necessary."

The OMA representatives to the JMC presented these positions to government on November 17. It was made abundantly clear to government that these were the wishes of the profession and that government cooperation was both absolutely necessary and expected.

Late on November 30, the OMA received the government's response in a letter from Health minister Ruth Grier. In it she stated that the government would not be willing to implement any of the resolutions adopted by the OMA council. Social contract days, although a part of other agreements in the broader public sector—and we know they have certainly affected nurses and ambulance drivers etc, etc, all the way through the health care

sector—were said to be unacceptable as a way for doctors to reduce expenditures.

Government also said that the individualized approach to utilization recovery was too complex for Ministry of Health staff and would likely put at risk their ability to pay physicians' claims in a timely fashion. Council's resolution to terminate the 4.8% holdback was turned down as well on the grounds that "it is not reasonable to abandon this method in the absence of a practical alternative."

The reason that the OMA was surprised and was taken aback at the minister's response to its initiatives was that at the last minute, on the last day of committee, a government amendment was put forward at the request of the OMA, and it was our understanding that that amendment in fact would provide the Ontario Medical Association with the flexibility to ensure that it would be able to meet its social contract targets, and that doctors who would be hurt by a clawback—and I will give you some examples of those.

For instance, a female doctor who had a child last year and perhaps was not practising for a few months may well, in an umbrella situation, be unfairly clawed back when she returned to work if her base was considered the billing base. A physician who had been serving as a locum, replacing another doctor in a practice but billing OHIP using the other physician's number, which is what is done in the locum program, could also be affected with undue clawbacks and some parts of the profession would be unfairly treated under this kind of approach.

2230

The information that was presented to committee was that this amendment—and again I say to you, which was put to the committee by government, it was an out-of-order amendment, it was accepted by the committee and was not challenged—would provide the flexibility to ensure that those social contract targets could be met and that they would be met in a way that was reasonable and fair.

It appears that that flexibility in fact didn't extend to the proposals which were made by the OMA on the social contract to meet their social contract targets, and some of that flexibility and, frankly, planning cohesiveness was deliberately destroyed. Now physicians will be subject to the universal, across-the-board clawback and in fact those kinds of physicians I mentioned earlier may well be adversely affected and, frankly, I don't think that's fair.

I believe that Bill 50 in its original form, as I've indicated, was a bargaining ploy. We were deeply disturbed, as were many people, with respect to the shape and the tone and the content of Bill 50 in its original form. We believe that there are still problems with this bill, but I must say, I want to underline again that I do not believe that the legislative process should be used in this way as a tool in collective bargaining.

The Speaker (Hon David Warner): I thank the honourable member for Halton Centre for her contribution to the debate and invite any questions and/or comments. The member for Durham-York.

Mr O'Connor: In the member's closing comments she said that it was just used as bargaining ploy. When the bill was originally introduced, there wasn't an OMA agreement at the time, which is true. Through a negotiation process that took place afterwards, there were substantial changes to the bill. If that's bad, then I guess we've got a problem here; maybe there's a fundamental disagreement. You know, what we've done here is we've worked out a landmark agreement that works with the OMA to deal with an expenditure situation that really did need to be dealt with, to save the medicare system that we're all so proud of.

I don't recall any of the amendments that she has referred to as being so-called out of order ever having been said to be out of order in the committee, so certainly have heard those facts. I do agree that there was a full discussion in the public accounts committee at the same time that dealt with the photo ID, but of course our conclusions in there were probably somewhat different than what we've heard through the OMA agreement.

The Speaker: Are there any further questions or comments? If not, the honourable member for Halton Centre has up to two minutes for her reply.

Mrs Sullivan: I want to make it very clear why I am deeply offended by the process that is being used with respect to Bill 50. The government could have placed its position in a letter to the Ontario Medical Association with respect to the elements that it was prepared to put on the table as its first bargaining position in dealing with the social contract. It chose not to do that. It chose instead to bring in a bill that is very threatening, that created enormous fear in the population with respect to how medicare was going to be dismantled. It was a bargaining ploy.

I indicated to this House, and I believe very strongly, that the only reason I did not challenge most of the amendments which came before the committee as being out of order and asked for the Chairman of the committee to make a ruling was that I was deeply frightened that this government may choose to go back to the original form of the bill which, in my mind and in the minds of many others, would have destroyed medicare in Ontario.

What we have now is a bill which reflects the outcome of the negotiating process. In my view and in the view of my House leader and my leader and all other members of my caucus, the original bill should have been withdrawn and a new bill presented which in fact reflected the agreement which had been made between the OMA and the Ministry of Health. This is an outrageous distortion of the lawmaking process and of the privileges of this Legislature. As I say, we were not prepared to challenge it at the time because we were afraid of what would happen in the alternative.

Mr Jim Wilson (Simcoe West): I'm pleased to have the opportunity to join in the debate on Bill 50, which is An Act to implement the Government's expenditure control plan and, in that connection, to amend the Health Insurance Act and the Hospital Labour Disputes Arbitration Act.

I want to say from the outset, to lay the groundwork for the debate on behalf of my party as the Health critic,

that the PC Party has from the outset supported the principle of cost restraint within the health care sector and committed itself to supporting initiatives that achieved those goals in a fair and workable way.

We will not be supporting Bill 50 in its current form, nor did we support it on first and second readings in its original form, because it is a direct result of the flawed social contract legislation and leaves every health profession, with the exception of physicians, out of the decision-making loop with respect to the future direction of health care in this province.

Bill 50, I must admit, after some extensive work at committee, virtually looks nothing like it did at second reading, yet it is another example of flawed legislation brought forward by this government. This type of sub-standard legislation has unfortunately become the accepted norm, and particularly that comment applies to the health care field in respect to the mismanagement of health care by this government.

Bill 50 must be discussed within the context of Bill 48—that's the social contract legislation—as the bill clarifies the legislative authority in order to implement the government's expenditure control plan, more particularly those aspects that apply to the provision of health services and, in extreme particular, the bill implements most of the provisions of the OMA-government agreement, what is known as the OMA-government 1993 interim economic agreement.

I just want to clarify a few terms for the listening audience, and that is, first of all, we had the expenditure control plan by the government in the health care field. That was rolled into the social contract, Bill 48. At the same time, in a parallel process, the government was dealing with the 1993 OMA interim economic agreement. Essentially, everyone should understand that now they're all the same, all three sets of agreements: social contract, expenditure control plan, interim agreement, or I'll refer to it as the OMA-government agreement 1993. They're all rolled into, with a few other tidbits, Bill 50.

There's a lot wrong with Bill 50 and there are a couple of things right with Bill 50. Unfortunately, on balance, we feel quite strongly that we have to vote against the legislation.

I just want to speak about the social contract, Bill 48, and remind people of what my party's position was during that debate in this Legislature. During the debate on Bill 48, we demonstrated our commitment to achieving cost restraint in a fair and workable way by consulting with organizations such as the Ontario Hospital Association, the Ontario Nurses' Association, the Ontario Medical Association, the Registered Nurses' Association of Ontario and a myriad of health care groups and others involved in the provision of health care services in this province.

We offered during debate on the social contract constructive suggestions to the government to improve the legislation, to make it both fair and workable. To our disappointment, the government refused at that time and continues to refuse to even seriously consider any of our ideas. The public will recall that at that time on debate and committee of the whole consideration of amend-

ments, PC amendments to the social contract, both the NDP and the Liberal Party rejected every one of our 29 amendments.

2240

My party voted against the social contract at third reading for the following reasons: The leave and special-leave provisions and the suspension, as opposed to cancellation, of wages due under multi-year contracts simply deferred rather than cut costs; the protection afforded workers at and under the low-income cutoff would hamstring many municipalities, the ambulance sector and other agencies where a significant proportion of workers fell below the low-income cutoff line, which was \$30,000, and it placed a disproportionate burden on the remaining employees.

These are all important facts, because what's happening today in the ambulance sector and other sectors in health care, the chaos out there very much stems from—and the Premier's here—Bob Rae's social contract, and I intend to prove that point in my debate.

Again, why we voted against social contract, the matters open to negotiation under the social contract process could lead to an erosion of management rights in the public sector. The legislation established a complicated, awkward and ineffective mechanism for cost control.

To address these and other deficiencies in the social contract, my party, my colleagues and I moved 29 amendments to provide for a 5% wage rollback across the entire broader public sector; to impose a three-year wage freeze; to eliminate the low-income cutoff exemption; to impose a stringent three-year hiring freeze on the broader public sector, mitigated only by limited exemptions for essential and regulated services; to delete from Bill 48 sections which would allow bargaining agents to undercut management rights; to provide protection for employees who reported waste and inefficiency in their place of employment, ie, we introduced an amendment to allow for a long-standing NDP promise for whistleblower protection; and to allow employees to share in any savings generated by productivity and efficiency improvements in the workplace.

In plain, common English, at that time we said to the government that, if you want to have a permanent reduction in the size and cost of government, the best thing to do would have been to do an immediate 5% across-the-board cut in civil service and broader public sector salaries, regardless of income, ie, there would be no low-income cutoff exemption; that each sector in the broader public sector would be encouraged, much like the current CAW agreements with the auto companies, to increase their productivity; and instead of no wage increases over the three years of the social contract we would have said: "Take your 5%, and if productivity increases in your area, we will share those productivity increases with you in terms of giving you wages. If productivity goes up 1% in your sector, we'll give you a 1% wage increase."

In hindsight, we were right, we were right, we were right. We're seeing in the ambulance sector, we're seeing with physicians—and I'll get into the problem that the

previous speaker also alluded to, and that is with the Rae days with respect to doctors in this province. We were right to give some protection for whistleblowers, something the NDP long promised. We wouldn't see the chaos in the health care sector, we wouldn't see the need for this legislation and we wouldn't see the Rae days in the physician sector had any of our 29 amendments really been accepted.

I must say for the record, and I've said it publicly many times, I could not understand so many people—and the Premier's here—telling me what a smart man the Premier is. I could not understand at that time, when my party had the courage and conviction to put forward 29 amendments to the social contract, well-thought-out amendments, amendments that we had consulted widely on—most of those amendments were mine in the health care field. They were amendments from the Ontario Hospital Association, from the Ontario Medical Association, from other very important groups in the health care sector. We knew there would be chaos. We wanted to avoid the chaos.

I couldn't understand on a political level why the government wouldn't have accepted at least a few of our amendments. They would have had us in a corner then. We had supported social contract on second reading. As I said, we had the courage to put forward amendments. The Liberal Party decided at the outset they didn't want anything to do with social contract, that they weren't going to spend any time and energy meeting with groups and trying to put forward their amendments in committee and trying to act on behalf of the people of Ontario that they were elected to serve.

I couldn't understand why the NDP on a political level wouldn't have accepted some of our amendments at second reading. Then we would have essentially been forced on third reading to support them on social contract. We would have shared the heat that the Premier has taken. We would have had a better social contract. We were prepared to share the heat that we knew would come. Nobody likes to have their wages rolled back; nobody likes a hiring freeze; nobody likes an attrition program. But we would have had better savings. We would have had a more permanent reduction in the size and cost of government than what the NDP achieved. We would have seen a real attrition program.

I used to work for the Honourable George McCague at Management Board when we had a true attrition program, when we provided for emergency services, when we moved person-years around. Of course, you can't let the number of firefighters fall down in that sector; you can't let the number of ambulance officers fall below an acceptable level. You have to have the front-line workers. We would move the person-years out of management, as we did for the last six years that Mr McCague was Chairman of Management Board. We forgot to put out a press release about all this, though. Politics has changed and whenever you apply common sense nowadays, you have to put out a press release because there's not too much common about common sense any more; it's become a bit of an oxymoron, particularly with respect to this current government.

We would have moved person-years around, but the overall number of person-years in the broader public sector would have been reduced over time. I think that's something we would have had agreement and did have agreement from labour on, particularly because it would reduce management. We would have had our 5% savings because we would have done it up front and across the board, not through this anxiety and not trading off for jobs, not a tradeoff for stacking days.

You're going to have a terrible bill, I guess, on March 31, 1996. Many people who have studied the social contract, studied particular sectors, private ambulance operators, for example, the municipal operators and the non-profit operators, government operators, tell us there is a whole pile of emergency Rae days that is going to be stacked. Somebody's going to owe these ambulance officers 36 days if something isn't done soon to correct what's going on in that sector; the same with nurses. We have the case of many hospitals now having to give nurses their Rae days and they're actually phoning employment agencies and bringing in nurses at a higher rate to replace them that day.

Some of the hospitals this year—Sunnybrook comes as an example—have found the money in their budget to cushion the blow of the Rae days this year, but they tell us next year they don't know what they're going to do. They're going to be in a terrible deficit situation. And certainly in the third year of the social contract they have no idea, so they may have to go and adjust their agreements to say to the nurses, for example: "Please don't take the Rae days you're entitled to under law. Please work those days and after March 31, 1996, we'll pay you back or we'll give you time in lieu or something at that time."

It's a terrible bill and I think it's a terrible shame that this government knows it won't be in office after 1995; it won't be around to pick up the multibillion-dollar bill that is left as a result of simply deferring savings. I think the government did a sleight of hand in a number of the sectors, and I speak from experience in the health care sector, with respect to trying to make Mr Laughren's, the Treasurer's books look better than they are. They're pretty dismal but they'd even be worse if we weren't deferring some of the costs associated with the social contract. I intend to make those points a little later.

The Speaker: Point of order, the member for Middlesex.

Mrs Irene Mathysen (Middlesex): Mr Speaker, I could have sworn that we were supposed to be talking about Bill 50. I haven't heard any reference to Bill 50 for quite some time. I think perhaps—

The Speaker: The member is on topic and the member for Simcoe West has the floor.

Mr Jim Wilson: Mr Speaker, you're far more polite than I am. The Premier has a bit of smile on his face and I am embarrassed for him that a member of his party would not know that Bill 50 is implementing the social contract provisions. I know the terminology is a little difficult over there, but I started off by clarifying the debate, that we're really dealing with three agreements here: social contract, expenditure control plan and the

OMA-government interim economic agreement. All of that means social contract; it means whatever you want.

I give them some credit. They muddied the water so much that with due respect to the honourable member who spoke, I can't blame her a little bit for being confused. But I do blame her for being a member of a government that, one would assume, would brief all its members on the importance of tonight's debate and the social contract and the expenditure control plan. I know it's confusing, but try and grab a brain and stick with me for a while. We'll get through it together. As the Premier's quite fond of saying, we'll get through this together in this great, big socialist province we all live in.

2250

Bill 50: Since they want to refer to it as that, fine; it's easy, you can read it and it's pretty simple. Bill 50: Let me see. Let's just clarify the air on this, then, that we voted against it at second reading for the following reasons, and let me do this as slowly and succinctly as possible so we can all follow along. The original bill—and you'll remember the debate because I was accused of almost having a stroke during that one. I was trying to avoid being provocative this evening. Every time I do that, I get a lot of calls from my office from people concerned about my health. They tell me that they would not want to see me have to join the waiting list, in this province, for services. They'd just as soon not have politicians in line in front of them if they should have their stroke behind me, so I will try and stay calm.

We voted against it because you remember the original one would have locked out 2,500 new doctors. It would have locked them out of practice in this province, forcing them to seek opportunities south of the border. It would have given the government sweeping and unilateral powers to limit, reduce or restrict health services across the province. I want to just stop there because in committee they decided that—

Applause.

Mr Jim Wilson: Wait a minute. If you don't even know what I'm talking about, you're going to learn something. In committee they decided they were getting so much heat for this delisting stuff—

Mr Michael A. Brown (Algoma-Manitoulin): How much heat?

Mr Jim Wilson: Like a lot; a lot of heat. Remember the psychoanalysis debate we had here that went on all evening, and the extreme urgency that we tried to convey to the government? I guess we had some success. So they took out a provision in Bill 50 which talked up front about delistings and decided to stick with the current closed-door delisting system that they already had the legislative authority to do. They wised up. They said, "Jeez, we're getting too much heat so let's take it out of the bill; let's pretend there are no delistings in Bill 50," but Bill 50, of course, implements—and here's the term for you again—the OMA-government 1993 interim economic agreement, and we all know that by January 17, the government has to be pretty close to coming up with its \$20 million in delistings, which of course are 100% user fees.

If you delist, for example, reversal of sterilization, general anaesthesia for uninsured dental procedures performed in hospital, routine newborn circumcision, removal of tattoos, repair of deformed earlobes resulting from use of pierced earrings, removal of acne pimples, injection of varicose veins, otoplasty to correct outstanding ears, removal of benign skin lesions, removal of port wine stains in adults, in vitro fertilization—which is one I'm sure we'll hear from the public on—annual health exams, which we are hearing from the public on, weight loss clinics, the coverage of travel assessments, immunization clinics, insertion of testicular prostheses, penial prostheses for impotence, intracorporeal injection for impotence and about four more, if you delist all those, we know those are 100% user fees.

So I will spend some time tonight trying to clear the air on the issue of user fees because there are a lot of liars out there. There are a lot of politicians, provincially and federally, who keep pretending we don't have any user fees in Canada or Ontario and I fail to see—I'm a former assistant to the federal Health minister—what country they're living in and I fail to see what health care system they're referring to. I hear the leader of the Liberal Party at the OHA convention premising her entire speech on the fact that we don't have user fees and she never wants to hear of them in the province of Ontario. That's very nice, Mrs McLeod, but it's time you woke up to the system that you helped introduce user fees into during your five years in office.

The original Bill 50 would have enabled the government to limit or deny OHIP coverage if, for example, the patient had already received the same service a number of times before, the doctor had already rendered the same service a certain number of times, the same service had been performed in the health facility more frequently than the government permits—kind of a quota system.

Following the introduction of the bill, I asked the Minister of Health in this House to defend the government's policy, which would have locked 2,500 new doctors out of practice, forcing them to seek opportunity south of the border. I pointed out to the government that the ministry's decisions have relied on outmoded doctor-population ratios instead of needs-based studies. I noted at that time that the NDP's proposals to supposedly save health care dollars would in fact result in a significant drain of human resources, and of course, behold, after that debate we started to hear of the shortages of physicians in certain specialties. I know the member for Halton Centre alluded to that in her remarks, which is quite correct.

Here's a quote from myself from that debate in the Legislature in question: "Leaving aside for the moment the frustration and anger felt by hundreds of medical graduates who have been told that their home province doesn't want them, do you think taxpayers enjoy the fact that they have spent \$2 million per doctor on education only to have these doctors locked out of practice in Ontario and forced to move south of the border to help subsidize Bill and Hillary Clinton's health care reform?"

I also criticized and continue to criticize the NDP's slash-and-burn assault on health care that puts people in

northern Ontario in a position of being denied health care services, particularly at that time when physicians, you'll recall, withdrew their services for a day—two days, actually—to protest the NDP's policies in the Sudbury area.

Our outstanding concerns with respect to Bill 50: My party still has several outstanding problems with the bill, including the provisions with respect to third-party services, recuperation of funds under the social contract and the lack of public input with respect to the \$20 million that is to be saved through delisting insured health services.

There's one good part of the bill and I might as well address it now. It's good, and I say that in a semisarcastic way, and that is with respect—because I can just hear the government. When we vote against this legislation they're going to put out press releases and say, "The PC Party, who have led the charge against health care fraud in this province"—I started last October and used to get laughed at in this Legislature and certainly in committee by people like Dr Frankford, that I was uncaring because I firmly believe, as a citizen and taxpayer in this province and on behalf of the taxpayers and citizens of this province, that we must have a zero tolerance policy with respect to health card fraud.

Back in October last year they weren't interested in that, and it wasn't until we got enough stories in the media and enough information out there to the public—and the public responded in turn by putting pressure on the government and saying: "We actually think that health card fraud is a serious matter. We think that \$600 million or \$1 billion worth of potential fraud in the system is a very serious matter, and we don't pay our taxes so that Americans or Iranians or anyone else can come to this province and simply get a fraudulent card and bump us out of a lineup for health services and obtain services in this province without ever having contributed or been born in or having been a resident of this province." That's something I would have thought was common sense that took about eight months to get the government, in its socialist wisdom, to come around to agreeing with.

So in this act, and I kind of want to call their bluff on it, there's a health card provision. If you vote against the act, the government's going to say you're voting against some tough anti-fraud measures. Well, tough anti-fraud measures—baloney. What they are is a lawyer's delight. Basically, the government is pretending by this act that somehow fraud was not a Criminal Code matter. Now, just let me prove my point by first giving the example. As a result of our pressure on the government, it's actually moved in the last few weeks and months and you've seen the stories that they've actually charged a few people with health card fraud.

If they're going to make the argument that this act has to pass in order to charge people with health card fraud because of the provisions in it, then how in the world are they currently charging people with health card fraud? They're doing it because, to obtain services in a fraudulent manner, to present yourself in a fraudulent manner, to essentially steal in a fraudulent manner is a Criminal

Code matter and you do not need Bill 50 to prosecute that matter. The proof positive is that there are cases before the court now.

2300

The Liberals bring in a terribly flawed health card system; there isn't any debate in the province of Ontario about that any more, now that everyone's seen through the provisions of the original red and white card and its lack of proper database and its lack of control measures. What they're doing here is—they unionized the OMA and then they bring them to their knees and say: "By the way, we've got a terrible health card system and there's all kinds of fraud and the Tories are really on our back about this. The public kind of agree with the Tories on this one, because they don't really like fraud either."

What the act really does is give protection from liability for, in particular, physicians who might report health card fraud. So they made them the health card police against their will, I'll tell you, because physicians rightly took the position: "Hey, government," in referring to the Liberals, "you didn't consult with us at all when you brought in the health card system. You didn't consult with hospitals and that's why you can have a mitt full of hospital cards too, which are just as accessible to the system as your red-and-white health card. You can also have several copies of the red-and-white health card."

The Liberal Party did not consult in any way because they were in a rush—six months to the snap call of the last election—to make sure everybody got a red-and-white health card so that somehow Premier Peterson, Elinor Caplan and Lyn McLeod would convince us that they did something about health care reform in this province during their five years when they didn't do anything.

I remember very well the member for Oriole's cue cards and I have often chided in a joking way with ministers of Health on the NDP side, both Ms Lankin and Ms Grier, in saying: "You really should get hold of Elinor's cue cards. They're quite interesting." I think the word "concerned" appeared in every one of them. They were very concerned about the state of health services in this province, but they didn't do a damn thing about it. In an attempt to convince people that they were doing something, they sent us all our red-and-white health cards in a very haphazard and nonsensical manner.

This act, let's be clear, protects physicians, health care providers, who might have knowledge of health card fraud. I want to talk about the legal test of knowledge here, because it's something that I brought forward—

Interjections.

Mr Jim Wilson: Mr Speaker, I obviously hit a nerve with the Liberal Party and every time I talk about their incompetence I know they get mad at me but I wish they would respect the rules of this House and let me continue with my debate uninterrupted.

There's a test of knowledge in here and it was a good point that was brought up in committee. The original wording in the bill talked about reasonable grounds, that health care providers or anyone reporting health card fraud just simply had to have reasonable grounds to

believe that fraud was occurring. A very interesting point was brought up in committee, and I'm glad to see the government did change it, and that is the reasonable-grounds test was a fairly weak test and physicians kept asking us: "Well, on what grounds would we suspect someone of health card fraud? Would it be their ethnicity? Would it be what part of the province they lived in? Exactly how are we supposed to judge on reasonable grounds that the person appearing before us in our office might have a fraudulent card, given the limited information on the card itself which makes it virtually impossible to tell who the person is?"

The test in here is a test of knowledge, which I think is something the government did do right in making that amendment, but it's a fairly high test and I don't think you're going to get a lot of people reporting health card fraud through Bill 50 and its provisions even with the liability protection, because the test of knowledge is a fairly high one.

The final point I want to make on this is it is smoke and mirrors, this provision. It is a criminal matter; it has been dealt with; it can be dealt with without Bill 50 and I would continue to encourage people, on reasonable grounds or otherwise, who suspect health card fraud to call their MPPs. We don't need another law in this province to encourage people to apply some common sense and to be the honest people that we know the vast majority, 99.9% of all Ontarians, are. Honest people will phone their MPPs, they will phone the police, they will do what they can to report health card fraud, with or without this legislation.

There are some provisions in this bill that we also have concerns with, and that is with respect to the third-party services. As you know, the government last year decided that people who required a medical exam for a pilot's licence, or the unemployed truck driver who does need every year, under the law, a medical exam to renew his truck driving licence, would now have to pay the \$40 to \$75 to \$100 for the medical note and exam out of their own pockets, a 100% user fee.

They delisted that without any public debate last year and in this case they're making sure that other delistings they do—they're really covering themselves and they're setting themselves up for a continuation of the multi-tier health care system that we have and I want to explain that point in a minute.

There's great legal language in here about third-party services, who's responsible to pay whom for what, and basically it's all about getting the province and the medicare system off the hook for about \$20 million in the first round, anyway, of currently insured services covered, and I've read some of the services that are contemplated being delisted.

A lot of interesting stuff—but some of the problems remain, I think, and it was brought to our attention by the Ontario Coalition for Better Child Care. They expressed concern that the government's amendments concerning third-party billing would result in the following: that Ontario's health plan would no longer cover doctors' visits to ensure that staff or children are able to return to the program—this is the day care program—following an

infectious illness. I think the government covered that one. Under the current regulations there's an exemption for day care, some provisions, but it remains unclear to the child care coalition.

They also believe that the bill would result in medical examinations required by staff or children before working or enrolling in a program will no longer be covered by health insurance. Medical examinations required by volunteers who work with children will no longer be covered. Subsidy regulations often require patients to provide a doctor's note if their child is absent from day care for a certain period. Failure to produce this documentation can result in a parent losing their subsidy.

Can you imagine the single mother who's already qualified for a day care subsidy now being told that, under law, should their child require a day care note, a note from the physician, she will have to pay that out of pocket?

I hope in the regulatory authority in this act that the government clears up that whole area. They gave us some assurances in committee they would, there's some reason to believe they might but, for instance, the provision of volunteers and notes that might be required for them to be back in the program was certainly left up in the air.

I want to tell you there are parents and the coalition out there are concerned about those aspects of the act. The Ontario Public School Boards' Association also listed a number of examples of third-party services necessary to meet the learning needs of children and mandated by law that may no longer be covered under our OHIP plan.

I think we'll just talk about the delisting process. As I said earlier on, the government was getting in such hot water over the original provisions in the act that it pulled those paragraphs out and decided to stick with its current closed-door delisting process with the Ontario Medical Association.

I think it plays to what disturbs me most about—and what I said at the beginning—this legislation, that the future direction of health care in this system does not involve 23 of the 24 regulated health professions. Other than a mention of the medical review committees and their equivalents that are required in some of those regulated health professions, the future direction and essential decisions of health care in this province are made now behind closed doors in a bilateral way between the OMA and the government. Basically, what they decide in future economic agreements is the direction that health care will take in this province.

To alleviate that concern out there somewhat, in particular in the delisting area, the government decided, after a lot of prodding that it would on January 17—I want to make sure I've got the date right, if staff back there would nod yes or no, because the government's own press release announced the public hearing day as January 19, but I believe it is January 17. The government decided that the joint management committee, which is a committee of doctors and a committee of government bureaucrats, would allow a couple of members of the public to join it as it compared its lists to delist or de-insure services in this province.

The process was that the OMA would come up with its list of services that shouldn't be covered by OHIP any more and the government would come up with its list. They originally were going to sit down with no public input, compare lists and, lo and behold, \$20 million worth of services would be dropped. I guess as you went to your physician, you'd find out in an ad hoc way. The government really didn't want to have to put out a press release but, lo and behold, our pressure and public pressure came along and they decided they'd add two members of the public.

2310

The minister in this House has told us time and time again in response to questions that it's now a public process: "For the first time in the history of this province, we're doing delistings in a public way." Well, you're doing the first delistings in the history of this province since medicare was brought in by my party. That might be why you're involving the public for the first time in the process. Secondly, it's hardly a public process. You've got two token members of the public and I think that's the way they must feel on this committee, because the decisions are essentially made. They're brought in at the last minute so the minister can get up in the House and say, "I have two members of the public on this committee and it's a full public process."

On the one day of public hearings, on January 17, you can't just pop in off the street and tell them what you think of them, what you think of the process or what you think of the services. Oh, no, you have to make presentations. It's a very formal system. This is not going to be even as open as our committee hearings are downstairs from time to time. I say it's a bit of hogwash, a bit of smoke and mirrors with respect to what they consider to be a public process. I would hardly consider that a public process.

We have long called for the government to have an open and honest debate about what services the state should be paying for and what services it shouldn't. I would agree with the government on this, that it's long overdue. Let's just go back to Frost, Robarts, Davis, Miller, Peterson and Bob Rae. Nobody's asked the public, "What in the world do you want to pay for?" Maybe they don't want the state to pay for newborn circumcision, but how do we know? We've never actually asked the people who vote for us, the people who place their trust in us. We've never asked them. We only ask the OMA. We unionize them and then we say: "You're the chief spokesbody now for the direction of health care in this province. We're really just going to ask you your opinion. Because the Tories forced us, we're have to put a couple of public members on there, but it's a cooked process."

I think it's time we had a full, public, honest debate. Some people call it the Oregon model. I'm not a particularly huge fan of the Oregon model, but at least what came out of that was the courage of the state of Oregon, over a number of years, to go public through a number of very creative consultative processes, to set up local health senates, discussion groups, public discussion and debate like I don't think we would ever have seen in this prov-

ince on any issue. I can't remember us ever going through such a thorough and open exercise as they did.

The public ranked 709 medical services that they felt were appropriate for the state to be considering and at some point—and don't quote me, because I haven't got it in front me—at around 600 or so, they said the state should pay for the top 600. Surprisingly at the top of that list was a lot of preventive stuff, a lot of preventive actions that the government should pay for so we can keep our population healthy and avoid this catch-up on disease control and disease treatment all the time, this quagmire we seem to be in in the health care system.

The public's fairly wise when you consult them. I remember Mr Rae, when I was in university, used to give a few speeches about this. You either believe in the collective wisdom of the people or you don't; if you don't, I suggest you shouldn't run for Parliament. Even if the people are wrong from time to time, if they make the decision, they're prepared to live with that decision and they will come back to their legislators and say, "Maybe we need to make some corrections."

We've never asked the public or been honest with them, I think, about what the current state of our health care system is, and user fees are, I think, the catalyst for the debate. It's something that's been thrown around far too long. I remember when Mr Benoit Bouchard, whom I knew in Ottawa, when he was retiring and leaving the health care portfolio there wrote an op-ed piece in the *Toronto Star* that made my blood boil, because his op-ed piece said that there weren't any user fees in Canada's health care and he wasn't going to allow any user fees in the system.

I'll tell you, having worked for the Department of National Health and Welfare, that one of the problems with those folks up there is they have their heads in the sand. They don't deliver any medical services. They don't deliver any health care services except on native reserves. They don't charge natives for ambulance rides. They don't charge them for all our user fees. The *Toronto Hospital* told me recently that 28% to 30% of its revenues now are in the form of out-of-pocket payments by patients: user fees.

So the federal government's a bit out to lunch and is hardly the group to be talking about the delivery of health care services. For example, if one looks at the Canada Health Act, that sacred act that is so often misquoted, it simply contains five principles of medicare in this country. It doesn't define "medically necessary service."

I remember meeting recently, as did members from all parties, through the Quebec-Ontario Parliamentary Association, with some representatives from the province of Quebec. I asked them specifically this question and their approach has been the same as most provincial governments; that is, "Since there's no definition of 'medically necessary service,' essentially what medically necessary service is, is a political arrangement that whatever services were being paid for by medicare at the proclamation of the Canada Health Act, whatever we were paying for at that time, were all deemed to be medically necessary." It included some of the stuff the NDP delisted last year, and that was these drivers' notes

and that sort of thing that may or may not be important to the public. I forgot to ask them, by the way, but may or may not be important.

We end up with this hodgepodge, an often misquoted act that I think needs to have an honest debate, and we have all kinds of services that we don't know whether the public thinks we should be paying for them or not. We do know one thing, though, and that is that the public knows governments are in trouble. They know now, after nine years or so of the federal government doing the very least. You've got to give them credit for educating the public about debts and deficits.

Hon Bob Rae (Premier): Ha, ha.

Mr Jim Wilson: The Premier laughs, but they—

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: Before the blood pressure of the member gets too high, I would like to simply know whether anyone has seen the hat and the gloves of the Sergeant at Arms. They appear to have vanished this evening.

The Speaker: The Sergeant at Arms has not vanished. The member raises a good point. We shall look for the gloves, and the member for Simcoe West has the floor.

Mr Jim Wilson: I would hope that comment, Mr Speaker, is not indicative of the level of concern of the Liberal Party with respect to this issue. I take it in the jest that it was made in, but I don't appreciate the interruption in my thought for what was not a point of order.

Hon Mr Rae: Jim, get up again.

Mr Jim Wilson: You may not think this is important, and my comment that at the very least people have a much better understanding of debts and deficits—

Hon Mr Rae: Yes, by watching those turkeys up in Ottawa, that's how.

Mr Jim Wilson: Well, the Premier says, "By watching those turkeys up in Ottawa." Hey, Bob, they tune in here once in a while and watch your deficit grow too, so I would watch whom I criticize and where your finger points. Okay, all governments are guilty then, but debts and deficits are another topic.

The point I was making is that people realize that governments have to get their spending under control. They realize that work has to be done in the health care system to get better bang for the buck, and I think they're prepared for that public debate. So why don't we have it? We don't have it because nobody's got the courage to have it except, I may say, and I'll wait for the applause, for my party.

We took a lot of heat in the last election by telling the truth about where we were with the health care system. I remember Mr Peterson having great fun labelling Mr Harris "Mr User Fee," which I felt was a very unfortunate way that particular issue went in that campaign. The Premier may want to get up and correct me, but I think he also indulged in some of that unfair play. That is the heat of a campaign and I understand that; I don't like it.

2320

We simply said at that time that there are hundreds of

millions of dollars in user fees in the system now. This government through its long-term care reform, by the way, added another \$150 million worth of certainly medically necessary services. If you asked whether your grandmother should be covered in a nursing home, I think most of the public would agree it's a pretty darned important thing for not only her but for your family, and they bring another \$150 million worth of copayments or accommodation payments, or whatever way you want to call it: It's a user fee.

They raised, as one of their first acts of office, the fee paid by people who take ambulance transfers or emergency rides in ambulances. It's a \$45 flat rate, whether you're homeless in Toronto or whether you're a millionaire. That's the emergency transfer. It's substantially higher than that if it's a non-emergency transfer. We've never had that discussion.

I could go on. I have computer lists of all the fees that are charged in the health care system and I intend to use that in the next election, I put everyone on warning, should they say there aren't any fees in the health care system. I think I could go on ad nauseam listing them.

In the last election we tried to be honest, we tried to say, "Look, we are not in favour of adding any more user fees to the system until we've had a full, public and honest debate about where the current user fees are in the system," recognizing current reality, "and where those current fees should be appropriately placed," because there is no rhyme or reason.

I want to go back to the Montreal discussion, with the province of Quebec. They confirmed for me exactly what all provincial governments are doing, and that is, delisting services, hoping that somebody like an in vitro fertilization interest group won't take them to court and say, "We believe it's medically necessary; here is the scientific data," and take them all the way to the Supreme Court of Canada to try and prove the point that it's a violation of the Canada Health Act.

Somebody some day is going to do that if provincial governments and the federal government don't smarten up and stop delisting around the edges. We're delisting now just on the stuff we think we can get away with without somebody actually trying our tactics. I think the day will come, and it may come soon. It may come from other provisions in this act and certainly provisions in Bill 100, where people are losing their patience with the tinkering in the health care system, with the mismanagement in the system and where people are going to start to exercise their right to go to the courts of this country.

I want to close, because I want to leave my colleague time, just by listing what's happening currently in the hospital sector in Metropolitan Toronto. First of all, with the Rae days—sorry, let's do the physician sector first. With the physician sector in the province, the government I think is in a bit of a quandary. Doctors want to take Rae days because even with the 4.8% rollback on their fee-for-service billings now, there is no way the government can reach its social contract or expenditure control plan or Bill 50 targets. So what they're saying to us is that the most you'll get out of that process is about \$50 million, leaving a significant couple of hundred million

dollars shortfall. At some point—we think the crunch will come in February or March—if there's no coordination of these Rae days—those are days off that physicians will take—or nothing done between now and then, because this part of the agreement extends to March 31, 1994, you will see physicians close en masse across this province. Talk about creating chaos in the system and talk about inaccessibility, again in violation of the Canada Health Act, to medical services if all the doctors' offices close and are forced to close in February or March because there's been no resolution of this issue.

The point is that with the 4.8% rollback now, you can't possibly achieve the objectives that your Treasurer has already stated must be achieved under the social contract in this sector. So they have two options: allow the physicians Rae days, to figure out another agreement with them to claw back more money, to delist more services than the \$20 million already contemplated, or to let the deficit rip. I will be interested to see what response the government has. Had they listened to us in the first place, they would not be in this position today, end of point.

With respect to physicians in Bill 50, I want to read think, what are some really telltale quotes. Dr Howard R. Wexler, medical director of the intensive care unit, London's University Hospital, expressed genuine concern about the effects of the social contract on health care in the London area. Dr Wexler was quoted in the London Free Press as saying, "So far nobody's died because of the social contract, but I can't promise that won't happen down the road. I can see the day coming when we're going to wake up and there's going to be no more room to manoeuvre within the system."

The Registered Nurses' Association of Ontario, Elizabeth Jensen, past president, says in the London Free Press on November 20, in a section called "Toll on Patients," and the title of the article is, "Death Fear Due to Cuts Targeted at Ontario Hospitals".

"According to the past president of the Registered Nurses' Association of Ontario, the slashing of health care dollars is already taking a toll on patients. Elizabeth Jensen said a patient in a London hospital was recently forced to call the Bell Canada operator on a bedside phone and had the operator call the hospital switchboard to get a nurse to the patient's room."

There's another nurse in the article and she notes that: "The true impact of the social contract on health care delivery won't be felt until later. 'Financially, we must provide seven Rae days between now and March 31 and nine days after that. How will that affect patients?' she asked. 'It's like if your child misses extra days of classes. How does that affect his education? You don't know until later.'

"But according to Jensen, the past president of RNAO, representing about 14,000 nurses, layoffs have created a severe nursing shortage. 'There are horror stories out there. I've had families tell me they've seen one nurse during an entire shift, and she was too busy to help them.' Jensen said nurses are reluctant to speak out about the problems 'for fear they'll be on the list for the next round of layoffs.'

"It's a very stressful time, there's a lot of fear out there and it's a real tragedy," she concludes."

In Peterborough, Bill 50 means no more doctors, we are told. As a result of Bill 50 and the social contract, Dr David W. Swales of Peterborough said he "will be forced to close his practice in mid-January, a full two and a half months before the end of the fiscal year. As a result of his having to close, Dr Swales said patients will 'have a hard, hard time. It's going to be unpleasant.'

"Dr Swales says that two other family doctors in the Peterborough area will also have to close their offices and two more family doctors are heading south of the border. As a result, he estimates 10,000 patients could be affected. Part of the problem for Dr Swales is that he opened his practice in 1992, which further caps his income."

In Windsor, the title was, "Bill 50 Means Growing Waiting List." "Dr Gary Ing, president of the Essex County Medical Society, said that physician days off, which they are forced to take at some point between now and March, will swell waiting lists for certain treatments. Dr Ing said waiting lists for knee and hip replacement surgery, which is now at five to six months, will swell by a month or two in 1994."

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In Sudbury, the title of the letter to me was, "Bill 50 Punishes General Surgeons." Bill 50 and the social contract will have a profound impact upon one of the province's most treasured resources, our general surgeons. The following is a quote from a letter written by Dr Kealy, chairman of the section on general surgery for the Ontario Medical Association. Dr Kealy writes:

"The working conditions for general surgeons are appalling. When it comes to emergency or urgent admissions needing surgery, twice as many of these were operated on during evenings and weekends than during normal operating hours.

"The recommended OMA-OHA guidelines for on-call are a maximum of one night per week (Monday through Friday) and one weekend per month.

"It is not surprising that general surgeons in the province feel they are propping up a deteriorating health service at the expense of their lifestyle and that of their families.

"General surgical practice simplistically can be divided into two forms of practice.

"1. The consultant practice generated through our offices and dependent on ability, availability and affordability.

"2. The hospital-generated practice that involves many of the emergencies that we are called upon to deal with on a day-to-day basis, which most of us have been happy enough to provide through an unwritten social contract."

To continue the quote: "Despite our contributions to the system, general surgeons remain the poorest-paid of all surgical specialties. We feel that the recent social contract legislation is punitive to our group. Our section, despite the fact that our utilization has scarcely changed in the last 10 years, is now obliged to cut back our volume of work by 5%, provide the same in-hospital and

emergency services as previously, return 5% of last year's gross billings, be subjected to the employer health tax despite the fact that we are paying it for our employees and, worst of all, allow us to be subjected to a 12-day lockout between now and March 1994.

"Laughren, the Treasurer of Ontario, at a meeting in Sudbury categorizes us as public servants. If we were public servants, he would need three times as many of us to do the same amount of work.

"If we are to provide the same services that we have done unstintingly and without fanfare in the past, the terms and conditions of services must be changed.

"We have put up with terms and conditions of service that are practically Dickensian in nature and which we find it more and more difficult to tolerate, particularly when the Ministry of Health chooses to ignore our valuable contribution to the health care of the province which in the past we were happy to do through an unwritten social contract." That's the end of the quote from Dr Kealy.

Briefly, in Leamington, "Bill 50 caps are unfair and unwise." Dr Alan Russell from Leamington believes the physician caps imposed by Bill 50 will have a negative effect on care in the Leamington area. The following is an excerpt from a letter written to me by Dr Russell:

"I graduated from Memorial University Medical School in 1989 and came to Ontario in January 1991 in response to an advertisement in the Canadian Medical Association Journal. During my two years in the emergency department, I was paid a salary under the alternate payment program. I occasionally worked in walk-in clinics and did fill-in 'locums' for vacationing general practitioners. During that time period, approximately 15% to 20% of my gross income came from fee-for-service billing. In the fall of 1992, I was approached by a local general practitioner and his partner to consider taking over his existing medical practice. This physician was ill and unable to carry on a full-time practice. My ultimate decision to enter general practice was accelerated by the passing of this physician. I resigned my emergency post to take over this vacated general practice.

"Leamington is a small town with 11 GPs. Three of these physicians are very close to retirement. In the next couple of years there will be an even greater physician shortage in this area. Since January 1993, I have been overwhelmed by new patients, not fully realizing the magnitude of the physician deficit. Currently, I see approximately 35 to 40 patients per day, frequently turning back many due to time constraints. My personal feeling is that quality patient care is severely jeopardized when a physician exceeds this number."

Dr Russell goes on to describe the problems he has had with the unjust billing caps that have resulted from Bill 50. "Those physicians with no previous fee-for-service income are given a designated 'cap' based on provincial 'averages.' This figure does not account for different areas having widely different physician-patient ratios. GPs billing OHIP exorbitant fees over past years will not be forced to incur the financial burden. Instead, a new physician such as myself is to take the brunt while the 'old boys' club laughs all the way to the bank.

"I could have gone to Toronto, Hamilton or London, but opted instead for a small-town setting with a need for physicians. Now I am to be penalized for doing quality, cost-effective, salaried work in the local emergency department. It would have been to my financial benefit to see high-volume, minor complaints in a walk-in clinic just to increase my fee-for-service earnings.

"The current proposals are to be retroactive to April 1, 1993, and run through March 31, 1994." As an aside, he doesn't talk about what's going to happen in 1995 and 1996 as a result of this bill. "Following these guidelines, my cap will be reached as of December 31, 1993. One would thereby assume that for January, February and March 1994, I will not be paid for patient visits. What is to become of the 800 monthly visits seen in my office? Since it is not in the interests of other local physicians to see them, these patients will be left without care."

While the government will blame the OMA for Dr Russell's predicament, the blame lies squarely with the government, whose panicky Bill 50 and social contract have produced desperate solutions that ignore quality and care and treatment and, in particular, quality and provision of services in underserved areas in this province. I would ask the government to withdraw this bill. It has not improved since my time in this House on second reading debate. They must withdraw the bill, have a frank and honest discussion with the people of this province about the true state and direction of our health care system, include all of the 24 regulated health professions and get on with the job of properly managing the health care system in Ontario.

The Speaker: I thank the honourable member for Simcoe West for his contribution to the debate and invite any questions and/or comments.

Mr David Turnbull (York Mills): I just wanted to comment on my colleague's speech. If the government had paid careful attention to what he had said, it would recognize the gleam of truth in the fact that it's managed to disguise user fees under every other conceivable name, but they are still user fees. "Parental contributions" is insulting to the intelligence of the electorate, the whole idea that you hide behind all of this Newspeak. Newspeak was predicted by George Orwell, and indeed it has come to pass in this Parliament.

My colleague brings to bear so much wisdom; I hope you've listened to it, taken it in. Go home and think about it and come back and be contrite, because this bill is the wrong bill by the wrong government to do the wrong things with our health care system.

The Speaker: Further questions and/or comments? The member for Etobicoke West.

Mr George Mammoliti (Yorkview): You weren't even here for the speech. How could you possibly ask any questions?

The Speaker: The member for Yorkview, please come to order.

Mr Chris Stockwell (Etobicoke West): I wanted to first of all compliment the member. I think it was a well-documented, well-researched speech.

Interjections.

Mr Stockwell: It was. A lot of work went into that. I know at first hand that the member works on his speeches personally; he works on them diligently and writes them and researches them all and spends a great deal of time and effort looking into a lot of issues that he finds not only important but very dear to his heart.

One of the important issues touched upon by the member from Simcoe, as well as the member for York Mills, is this idea of changing names, and I saw it in Bill 79 as well, where they changed "quotas" to "numerical goals." They changed "user fees" to "parental contributions," "copayments," "accommodation expense," and they think that by changing names they thereby changed definitions.

What's going to surprise them to no end come election time is that simply because they changed the name but did not change the definition—a user fee is a user fee is a user fee, and they campaigned vehemently for many decades against user fees, as well as their federal party. They will find, as the member pointed out quite clearly, that the people of this province don't accept changing words but not changing definitions. I compliment the member. He'd make a very, very good Health minister.

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Mrs Sullivan: There are many issues in the member's speech which I would like to discuss, but I will start with the issue of user fees. I will tell you, I believe many of the arguments he's put forward in this area are specious ones.

If a user fee is high enough to add revenue to the system, it will deter only two groups of people from access to health care, and those two groups of people are the poor and the sick. If a user fee is too low, it will be only an administrative burden, will not be deterrent to wasteful use of the system, and in fact will cost rather than add.

When user fees that are in the health care system itself are there, if they are described, by example, as residential copayments, I believe that is in fact what they are. They do not affect the actual delivery of health care services. If they do and become user fees, to my mind they are absolutely unacceptable.

I also want to move to the area the member addressed with respect to health cards. I remind this House that under the government of the Progressive Conservative Party, there were 26 million people eligible for health care services in Ontario when the population of the province was nine million.

The purposes of a health card are threefold: First, it should be a record of entitlement; second, it should be a financial and administrative tool; third, it should be a tool for the management of the health care system itself. None of the issues that the member has addressed in his speech recognizes those issues. In fact, the record of his party in ensuring that entitlement was limited to those who were eligible was extraordinarily poor.

Mr Gilles Bisson (Cochrane South): We had the opportunity to listen to about an hour and a half of a diatribe that was so far off base it was amazing. I take this opportunity to comment on a couple of points the

member made. The member went on at great length about the great job the federal government did of indicating to the people of Canada the importance of the debt. I would say to the honourable member that they didn't even do that properly, for God's sake. They dealt in Ottawa for some eight or nine years and basically didn't do anything to try to manage the system. I would ask that any time the member gets up in this House and does what he does, that he try to do a bit more research.

The Speaker: The member for Simcoe West has up to two minutes for his reply.

Mr Jim Wilson: Because of the time, I'll be yielding the floor to my colleague.

The Speaker: Is there further debate?

Mr Bradley: I'd like to make a very brief intervention this evening on this. I would like to have done it within the confines of two minutes but it will probably take about five minutes to add a little to this debate, because I think it's an important bill. I wasn't going to, but I've listened and I've been prompted by some of the words I've heard this evening to intervene, because I have a little more history perhaps. The government House leader and I, who have been here since 1977, will have some recollections about some previous initiatives in the field of health care.

One we recall exceedingly well was the raising of the OHIP premiums, or the attempted raising of the OHIP premiums, by W. Darcy McKeough, who was the Treasurer of the province at that time, by some 37%, the largest increase I can ever recall in a fee which was applied unevenly to people across this province. The government which succeeded the Progressive Conservative government abolished, with the support of those sitting on the other side of the House at present, OHIP fees because there was a general recognition between people in the two parties at the time that OHIP fees weighed much more heavily on some than others.

I also want to note that one of the pillars of the Progressive Conservative Party in terms of its health care plan was allowing doctors to extra-bill. In fact, I recall a situation in this House where there was a filibuster conducted by Larry Groosman, I think it was, as the leader of the party at the time, and other members of the Progressive Conservative Party. They insisted that there had to be extra-billing permitted for doctors in this province. That issue has been decided, and we see it coming back again with some of the comments that have been made this evening.

I listened very carefully, because I follow politics carefully, to the leadership campaign of the Progressive Conservative Party when there were two individuals, Mike Harris at that time, now the leader of the third party, and Dianne Cunningham, who is the member for London North, and they were contesting the leadership. I remember that one of the issues that divided them was this desire to have user fees in the system. Mike Harris insisted that there must be user fees in the medical care system. It reminded me of a meeting with some people during the election campaign. This was the Taxpayers Coalition Ontario, which has certain views on many issues. There was—I call him a Tory lawyer, but he may

be a Reform lawyer now, sitting there and asking me what I thought of user fees—I call them deterrent fees—in the system. He was making a strong case for it and wondered why I was so persistent in my opposition to user fees. I guess I put it in one way; I said:

“That is why you are a Tory and I’m not a Tory, because you’re in favour of user fees. You believe there should be one rule for the rich and the privileged and one rule for the rest. I cannot, in all good conscience, have one rule for the rich and the privileged and one rule for the rest when it comes to such a basic need as medicare.”

I hope that we don’t go down that path. I understand there’s a dialogue on now, and we have to have that discussion taking place, but I certainly hope we don’t go down the path that Mike Harris had recommended to this province of user fees in the field of medicine.

I also want to reiterate, because there’s been some criticism of the government and of the previous government about the cards, the special health cards that we have at the present time. As I think the member for Halton Centre has appropriately pointed out, back when we had about eight million people in the province, there were 26 million people eligible for OHIP at that time. But of course, memories begin to fade, particularly among younger members who may have been in university or high school at the time, that the Tories were putting the rates up.

I promised I would not go into a good deal of detail today, but I thought members would be interested in those facts. The last fact I want to mention, because I did hear it being mentioned already, and that was going back into the history of the social contract. As I recall, the government put forward the bill and promoted the bill. That’s the government’s prerogative. The official opposition, the Liberal Party, voted against it on second reading and third reading, making a judgement that it was not good for the province, and that’s a judgement that parties make.

What was most interesting was watching the Progressive Conservative Party, which on second reading was in favour of it, and then when the heat came in from around the province from both the business community and other people affected by it, did a complete flip-flop. We heard the “bang, bang, bang” from the leader of the third party at that time about how the Progressive Conservatives were solid on this. In fact when it came before the House, they ended up voting one way on one reading and another way on another reading.

Members want to proceed with the debate this evening. We want to move on to other legislation. So I just thought that members would appreciate having some recollections placed on the record for us this evening.

2350

The Speaker: I thank the member for St Catharines for his contribution to the debate and invite any questions and/or comments. Is there further debate?

Third reading of Bill 50: Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill be now passed and entitled as in the motion.

RESIDENTS’ RIGHTS ACT, 1993
LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES IMMEUBLES D’HABITATION

Resumption of the adjourned debate on the motion for second reading of Bill 120, An Act to amend certain statutes concerning residential property / Projet de loi 120, Loi modifiant certaines lois en ce qui concerne les immeubles d’habitation.

The Speaker (Hon David Warner): When we left off last, the member for Yorkview had the floor.

Mr George Mammoliti (Yorkview): Forget it.

The Speaker: Is there further debate?

Mr David Turnbull (York Mills): I’d like to just lead this off by reading a short extract from the Toronto Star. It reads:

“The NDP government’s proposal to bring all Ontario renters under the same tenant regulations provides a timely reminder that rent controls have outlived their usefulness.

“Last week, the government introduced the residents rights bill, which would legalize about 100,000 in-house apartments and subject them to rent control and the Landlord and Tenant Act. It also would extend those rights to about 47,000 vulnerable tenants who live in apartments or rooming houses that provide therapeutic care.”

Here’s the very interesting statement:

“Considered within the context of a rent control system, the move makes sense. But instead of extending rent controls, Queen’s Park ought to be ending them entirely.

“Brought in as an election promise in 1975 by the Tories under Bill Davis, rent regulation has seriously curtailed private-sector activity in the rental market. The evidence shows that apartment developers drifted away to build condominiums, office towers and shopping malls, causing the supply of rental units to dwindle. During the booming 1980s, demand soared, vacancy rates plummeted to less than 0.1% and the housing crisis was born.”

That opening part of this article in the Toronto Star dated December 1, 1993, is quite telling. The reason I say it’s telling is because the Toronto Star has always been a most vociferous proponent of rent controls. Finally, they seem to have seen the light, that it hasn’t worked in the best interests of tenants.

That, above all, is the yardstick we should measure it by, because with the shortage of rental apartments, landlords were able to charge whatever they wanted. There’s no doubt about it that in all of the markets in the world where rent controls have been removed in a reasonable period of time, rental stock has increased and the affordability of the apartments has increased. Seen in that light, that we should be taking away rent controls where they are applied at the moment, it seems crazy that we should be applying them now to this other sector.

There can be no doubt about it that we must ensure that vulnerable adults are protected, but let’s turn to the residential aspects of allowing apartments within houses

as of right. We take away local planning authority, which has always been one of the Holy Grails of the NDP. It has always been the leading NDP politicians in Toronto who've always suggested the importance of good planning. I just want to mention people like John Sewell, Jack Layton, Richard Gilbert, Dale Martin, Howard Moscoe. They've always been harping on about the importance of vesting the local planning authority in the local municipality's hands.

This absolutely trashes zoning, because as of right, any single-family house can be turned into a multiple dwelling unit. You can create a basement apartment. You can take any town house, no matter how small, and you can make a separate apartment, make two units out of it.

One of the reasons that zoning was created was to ensure that we had a framework whereby we could plan a community, plan the delivery of services like fire, ambulance and police, which are vital services to serve a community. We take away all of these rights from a municipality. Municipalities are mad about this move by the NDP government and they have spoken out.

The former Bill 90, which this bill replaces, was opposed by AMO very vociferously. They have already indicated that while they haven't met on Bill 120, they are of the same view, that this is essentially the same bill repackaged.

The minister, in defending this bill the other day, started talking about the vocal minority who speak out and say, "No, we don't want these basement apartments," and somehow this was so unfair that the vocal majority would have sway but that local politicians paid attention to that vocal minority. This is the crazy thing, Mr Speaker, and you know very well, because you know which party you come from, that your party won with a very vocal minority in the last election. You won with less percentage of the popular vote than Frank Miller had when he got his minority government. These are the peculiarities of the first-past-the-post system. So a vocal minority was able to seize a majority government.

What has happened with this vocal minority that formed the majority government is they're saying: "We couldn't care less about any of the municipalities think. We are telling them that we insist that we are trashing the zoning. We're going to let anybody who wants an apartment in their house have it." There are many communities where the very heart of the community is founded around the principle that they are single-family houses. The people, when they buy houses and move in there, know that. Yes, there are some examples of where the community may turn a blind eye to the Widow Smith because she decides that she needs to take somebody in to help her income, and by and large, the individual choice of neighbourhoods to tolerate a violation of the zoning works pretty well.

What we're seeing here is the government saying: "We couldn't care less about the availability of parking in the neighbourhood. We couldn't care less about the fact that if you suddenly double the population in a neighbourhood and there's not enough parking, maybe fire trucks won't be able to get down the street. That doesn't matter, because we have an ideology that we think basement

apartments are a good thing." All we have to do is look at what happened in Russia at the turn of the century after the Revolution and all the proletariat moved in and they had to have complete ethical division of the apartments. I always remember that scene in *Doctor Zhivago* where Dr Zhivago returns home and to his chagrin he finds that the family home has been overrun and the commissar of the building announces that it was far too big for one family. I guess the commissar for housing in Ontario is dictating that single-family houses are far too large for any single family and that's what's happening here.

Municipalities have said they don't want this legislation and they have said they have serious reservations about the implications of this in the long term. When you consider how local taxes are collected—they are on the basis of the assessment on a building. An assessment is not changed when it becomes a two-family unit, because the value of the building does not necessarily go up as a result of that. So now you can have two families in a house using double the amount of community services, but you're only getting one pop of taxes for that municipality.

Where does the minister think the money is coming from? It's certainly not coming from this government, and particularly when you talk about Metropolitan Toronto, because this government won't give any money to the school boards, so all of the taxpayers are on their own and in the case of this government, with the social contract they're saying any savings they achieve will have a negative grant. What is a negative grant? That is newspeak for the fact that they're going to take money away from the municipalities that the government never gave in the first place, because the last government, the Liberal government, took away what small amount Metropolitan Toronto got to the public school board and now the residents of Metropolitan Toronto are on their own. They're just out of luck. They have to pay every penny to support the school board, notwithstanding that the government says, "Oh, we've got the social contract, so we're not going to allow the residents of Toronto to benefit from that." No suggestion of those taxes being sent back. No, the government wants them.

Once again they're bringing in another law which the municipalities don't want, which has the potential for doubling the population in some areas, and yet you won't be able to get a penny more of property taxes. Think about it. How will you fund the school boards? This is crazy legislation.

There's no right of entry for municipal inspectors unless the tenant invites the inspector into the building. I can tell you that this is fundamentally wrong. We should allow municipalities access to ensure that safety standards are in force.

I see that the Speaker's getting a little uncomfortable. I do wish to continue with this debate, because I have some very important points to get on to the record. It being 12 of the clock, I will adjourn the debate.

The Speaker: It being 12 of the clock, this House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2402.

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Thursday 9 December 1993

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Jeudi 9 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Thursday 9 December 1993

The House met at 1003.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

PLAYGROUND EQUIPMENT SAFETY

Mr Eddy moved private member's notice of motion number 34:

That, in the opinion of this House, since there is playground equipment being purchased by municipalities, school boards, day care centres, and other provincially funded agencies that are frequented by children which does not have to meet any mandatory safety requirements; and

Since the Canadian Standards Association has developed a national standard of Canada for children's play spaces and equipment which is widely supported among Canadian manufacturers in the playground equipment industry and which is the only such safety standard in Canada; and

Since several Canadian manufacturers have spent considerable time and money to adhere to the standard; and

Since many foreign companies can and are selling their playground equipment products which do not meet the CSA standard; and

Since the number of children admitted to hospitals with playground-related injuries has been rising in recent years;

Therefore, this House urges the government of Ontario to recognize the Canadian Standards Association's national standard CAN/CSA-Z614-M90 as the appropriate safety standard for playground equipment that is bought and sold in Ontario; and

To urge all Ontario municipalities, schools boards, day care centres, and other provincially funded agencies that use playground equipment to adhere to the national standard when buying playground equipment.

The Acting Speaker (Ms Margaret H. Harrington): Pursuant to standing order 96(c)(i), the honourable member has 10 minutes for his presentation. Following that, everyone will have a chance to debate, in rotation, for a total of 15 minutes for each party.

Mr Ron Eddy (Brant-Haldimand): It's with great pleasure that I rise to speak to this resolution, because I'm sure that it will get unanimous consent, approval, by all members of this House because of the importance of it.

I think that Canada is very well served in having a technical committee on children's play spaces and equipment, a committee of 22 members. At this time, I would advise that Mr Mike Jones, an official with the Toronto Board of Education who serves as chair of the committee, is present in the gallery and also another member of the committee, representing a manufacturer, Mike Hayward, is present.

There were 22 members who developed this standard, entitled A Guideline on Children's Playspaces and Equipment. It is being followed by some manufacturers

and indeed required by some purchasers of playground equipment. But of course I want to draw attention that it goes much further than providing standards for equipment; it also provides standards for the assembly of equipment and structures in playgrounds and the construction thereof, and that is also most important.

I want to at this time too stress that nothing replaces adult supervision of children playing on playground equipment. However, kids will get hurt from time to time when they play, and this is a fact, as we are all aware. What we must do is to ensure that the chances of children getting seriously injured are reduced as much as possible, and certainly this is one way. I believe that the playground equipment that meets the CSA national standard for children's play spaces and equipment goes a long way to reduce the chance of injury, and therefore I'm appreciative of the fact that some manufacturers do follow it.

Last year in Mississauga, for instance, a tragic accident occurred when a young boy was strangled to death while playing on playground equipment in a condominium corporation complex. A loop in a rope that was affixed to the equipment was placed around his neck, which caused asphyxiation. The coroner's report recommended that all manufacturers of playground equipment sold and/or purchased for use in Canada meet the standards of the CSA guideline. I have a copy of that coroner's report for anyone who is interested in reading it at any time.

The statistics from Health and Welfare Canada indicate that 2,427 children to date have had playground-equipment-related injuries. This number comes from the Canadian hospitals injury reporting and prevention program, known commonly as CHIRP. This database began collecting information regarding these matters in April 1990. It collects and analyses data from emergency rooms of the 10 paediatric hospitals in Canada and five general hospitals and states that a majority of injuries occur in the five-to-nine age group. Indeed, that is not surprising to any of us when we know the activity of that particular age group of children.

Some 53% of injuries occur at public playgrounds, 42% occur at school playgrounds and the remaining 5% at day care and kindergarten playgrounds. I'm sure the operators of these playgrounds are most anxious to reduce injuries in playgrounds and on playground equipment, to the greatest possible extent.

With respect to the severity of injuries, the overall hospital admission rate for injuries reported in the CHIRP program is 4.2%. However, the admission rate for playground-related injuries is 8.9%. Therefore, the admission rate for playground-equipment-related injuries is more than double the CHIRP average.

Now, 55.8% of the injuries were caused by the ground. Therefore, the section of the standard regarding the surface materials for use under playground equipment is of particular importance, and that's no surprise to anyone who's here.

The equipment that was most commonly associated

with injuries is climbing equipment, slides and swings. The important thing to keep in mind is not the sheer number of injuries but rather the patterns associated with these injuries. For example, there's a very serious pattern which indicates that the number of children admitted to hospital with playground-equipment-related injuries is more than double the average of cases reported by the federal government.

To give another example of the type of patterns we find, from April 1990 to May 1991 there were 59,520 injuries to children under 20 years old; 8,358, or 14%, occurred in playgrounds. Of the 8,358 injuries, there were 1,366, or 16.3%, kids who were injured as a direct result of the equipment on the playgrounds.

We've also been in contact with the Ontario trauma registry, which is funded by the Ontario Ministry of Health. This organization collects patient discharge information on approximately 85% of all acute care discharges in Canada. This data shows that from 1989 to March 31, 1993, there have been 4,337 admissions, rather than actual patients, to acute care hospitals in Ontario. Children treated in emergency rooms and then released are not covered by the data from the Ontario trauma registry.

I realize there are quite a few numbers there, but they're given to have members realize the large numbers who are affected across Canada.

An important thing to keep in mind is that this CSA standard, a national standard for Canada, that has been developed relates to the entire equipment industry and not just manufacturers of playground equipment.

The technical committee that worked on and produced this report and standard, that was formed to develop a standard, consists of representatives from the education system, the Canadian Institute of Child Health, the federal government, two provincial governments, the Ontario and Canadian parks associations, various playground manufacturers, the engineering industry, municipalities, hospitals and the Canadian Standards Association. There was very wide representation on the committee, there's no doubt about that. Therefore, the manufacturing sector is a small part of the ambit of the CSA.

With the recognition of this CSA standard comes the responsibility of the purchaser to recognize the upkeep and maintenance associated with CSA-approved materials. I can't overstress that; that's awfully important. We know every vehicle, every piece of equipment purchased does need maintenance or it does not continue to operate or be operated in the safe manner that it would be when it was originally purchased.

The costs of inspection and maintenance should be incorporated into the budget at the time of design, purchase of equipment and installation. The maintenance schedule must be strictly followed and a checklist is included in the standard.

I also want to bring into the debate the proposal of the city of North York. North York is recommending that the Ontario government develop mandatory requirements based on the Canadian standard for inclusion in the Ontario Building Code. This would include all public and private new and existing programs. I know many of us

are concerned about the increasing number of restrictions, but it's in the name of safety, it's in the name of reducing injuries to children, so I think it's very important and I look forward to debate some time in the future.

At the present time, this resolution of course is requesting that the government adopt the standard and then see that all purchasers include the standard that affects at least the playground equipment in their tenders. I believe this is an important step in the prevention of injuries to children. Just because playground equipment is CSA-approved does not mean that parents should become too comfortable with allowing their kids to play, and of course that should never happen. The standard will not be effective if parents are not educated as to the potential dangers of leaving their kids unsupervised.

The Acting Speaker: The member's time has expired.

Mr Eddy: Thank you for the time that's been allotted to me on this important matter, Madam Speaker.

The Acting Speaker: Further debate?

Mr Allan K. McLean (Simcoe East): I'm pleased this morning to rise and participate in the debate with regard to ballot item number 41, this resolution with regard to the standards of playground equipment. I don't know anybody who would not support this resolution. I would have thought the ministry and the government could make these standards available by regulation, and I don't know of anybody who wouldn't agree with this resolution.

What the resolution really does is urge the government "to recognize the Canadian Standards Association's national standard CAN/CSA-Z614-M90 as the appropriate safety standard for playground equipment that is bought and sold in Ontario; and to urge all Ontario municipalities, school boards, day care centres and other provincially funded agencies that use playground equipment to adhere to the national standard when buying equipment."

This resolution focuses on the issue of the safety of our children, our youth, and I don't think anyone in this Legislature in good conscience could vote against an issue like that. But I certainly believe I want to get to the core of safety in our schools, and particularly this matter should be taken a step further. Really, what we should be dealing with is the violence in the Ontario school system when we look at the injuries.

The Metropolitan Toronto Police crime squad's estimate of 2,784 incidents of school violence logged last year may represent only half the actual number because so many go unreported. This resolution is bringing forward the very issue of the percentages the member has raised with regard to the public playground accidents and the percentages in the school playground accidents. I don't know of anybody who wouldn't support this.

But I want to talk a little bit about what my constituents have been telling me, that the time for action is long past when fully eight in 10 children tell surveys they've been exposed to some form of violence at school.

Everyone involved in education—the administration, the teachers, the students, the trustees, the parents—has the right to expect that the educational environment is safe.

I recently tabulated the results of a survey of my constituents and I'd like to share this information with you now because I believe it relates to the issue of safety in our schools. It's not directly related to what the member has brought forward, but it is safety in the schools with regard to what my constituents are telling me. The questionnaire I sent out had over 1,000 replies. These people took the time to respond to the questionnaire. The results suggest that our schools are not immune to what is happening elsewhere in society.

1020

With respect to the Young Offenders Act, when I asked if there should be any differences between the treatment of adults and young criminals, 59% said no, 35% said yes and 6% were undecided.

When I asked the question, should there be changes made to the Young Offenders Act that would make it easier to transfer youth cases to adult court, 94% said yes and 6% said no.

When I asked if the age category of the Young Offenders Act should be changed, 42% said change to 10 years and under, 33% said change to 13 to 16 years and 25% said change to 11 to 13 years.

I asked the people if they feel as safe in their communities as they did five years ago: 65% said no, 35% said yes.

I asked if more resources should be devoted to policing in Ontario: 59% said yes, 12% said no and 29% were undecided.

I asked if the people believe the Crime Stoppers program is an effective tool to assist police in solving crimes: 94% said yes and 6% said no.

I asked if teachers should be given more authority to discipline students. Guess what the survey said to that question: 95% said yes and 5% said no.

I asked if standards should be set within the curriculum and if students in elementary and secondary schools should be regularly tested to make sure they are achieving these standards: 83% said yes, 11% said no and 6% were undecided.

As I said earlier, I believe my constituency survey indicates that our schools are not immune to what is happening elsewhere in society. It would not be fair to our trustees or to our teaching staff to suggest that we can or should take on this tremendous responsibility without the support of the parents, community leaders, law enforcement agencies and the whole network of social agencies.

I personally support in principle the policy statement of the Ontario Public School Boards' Association and the Ontario Separate School Trustees' Association, which adopts a zero tolerance policy towards violence in schools. This policy statement commits school boards, trustees, parents, staff, students, social and law enforcement agencies, colleges and universities, municipalities, community organizations and teacher organizations to enforce zero tolerance towards violence in schools. We should join with those involved in education to deal quickly and firmly with acts of violence and provide preventive programs to thwart the escalation of violence in

schools. We all agree with the Minister of Education and Training when he said schools in Ontario should be safe places, places where students need only be concerned about learning.

This resolution this morning is dealing with safety in the school yard with regard to the equipment those students are allowed to use. As I said earlier, I don't think there's anybody here who wouldn't agree with the standard that's set and wouldn't agree that this government should adopt that standard. I don't think the resolution has to indicate to the government, I think the government can do it by regulation without having to debate this resolution here this morning.

I would sooner this morning if the member for Brant-Haldimand was talking about what's happening with GATT. Some of us are from the farming community. Some of us know what's happening in the country. Some of us know what's happening and is going to happen to our family farms.

When we look at the government of the day, the Minister for International Trade, Mr MacLaren, said this week that Canada has found no support for its position to preserve and strengthen the import quotas and may have to look at alternatives. I think that's a weak position to take to save the background and the agricultural community of this province.

The Acting Speaker: I would ask the member if he would relate his comments to this resolution, please.

Mr McLean: I think this time in the morning I could relate my comments directly to the resolution and I can talk about some of the other issues that are pertaining to the resolution, and I think I am. If there's something I'm not saying that I should be saying, I wish the Speaker could maybe tell me what it should be, because this is a free time in the morning that we debate resolutions.

I've already spoken of what I think of the resolution. I said I'm supporting the resolution. I think it could have been done by the government. So what more do you want me to talk about, other than the issues I'm raising here, and talking about some of the issues that affect my riding and the violence in schools that is related to violence in the playground areas of the schools? The member has given the statistics and some of the points of view relating to it, which I agree with. Do you want me to repeat them or not? I think this morning my 15 minutes are allotted to deal with the issues that are before the people of this province and I believe I am doing that.

We all know the minister's recent school violence initiatives sometimes, we think, lack real teeth. There must be ministry order and enforced rules for province-wide violence in schools, and we also must realize the problem we have with regard to the playground equipment that is not up to standard, and we support that.

Mr Noel Duignan (Halton North): First of all, I would like to say that the government appreciates the honourable member's concerns over safety in relation to playground equipment found in parks and school yards and day care centres and co-ops and non-profit housing. Anywhere you look in this province, you'll find playground equipment throughout Ontario.

Public safety is always a very important issue and priority for this government. Nowhere is it more evident, in my opinion, than the Ministry of Consumer and Commercial Relations. As parliamentary assistant to MCCR, I can tell you that the ministry's technical standards division has an international reputation for promoting the highest standards in safety in the areas it regulates, whether it's from elevators all the way to pressure vessels. Very recently, we just signed an agreement with the People's Republic of China on that issue, and we are recognized internationally for it.

I know the honourable member for Brant-Haldimand is well aware that playground equipment is not regulated by MCCR, nor by any other government body in Canada. It becomes very difficult to regulate something that's not regulated anywhere else in Canada.

We believe the voluntary guidelines covering children's play spaces and equipment recently developed by the Canadian Standards Association significantly enhance the safety of children using that playground equipment. I would draw the member's attention to a letter written by the minister to the honourable member, dated August 10 of this year, which states:

"The Canadian Standards Association (CSA) has developed voluntary guidelines which significantly enhance the safety of children using playground equipment. MCCR supports the guidelines and would encourage all purchasers of playground equipment to obtain a copy from the CSA. Schools, municipalities, day care centres and consumers should be made aware of the inherent dangers of poorly designed and constructed equipment."

Historically, the CSA has developed some of the world's most stringent codes and standards, including those for elevating devices. This widely respected standard-setting body has long been a major force in ensuring safe products for all Canadians. When you think about it at this time of year, when a lot of the major purchasing is done as we lead up to the Christmas season, we don't have to look any farther than, for example, your indoor lights or your outdoor lights for Christmas or even in fact your children's toys during the holiday season to gauge the impact the CSA has made on product safety. The CSA tests and certifies many of the electrical items you might choose as a present or for decorations in your home over this holiday time. A wide range of products, from electrical trains to race car sets to microwave ovens, TVs, VCRs etc, as well as the lights you use at Christmas time that dress up your Christmas tree etc all bear the mark of the CSA standard. This famous CSA logo means that a manufacturer has submitted samples of the products for testing and the products have met its safety standard and/or the performance requirements of that standard.

The ministry respects the CSA's commitment to high standards for safety and supports its national standard for playground equipment, a safety standard which is widely supported by manufacturers of this equipment in Canada. Again I draw the honourable members' attention to the same letter, written August 10, which states:

"You state in your letter that Paris Playground Equipment Inc"—and I'm very familiar with this particular company, as I had dealings with it in my former life—"is

manufacturing its products to CSA standards and I believe this presents the company with a terrific marketing opportunity. I would encourage your constituent to work with the Canadian Standards Association in marketing his products through the education of consumers on the importance of purchasing goods meeting CSA standards.

We encourage everyone looking to purchase playground equipment to obtain a copy of these guidelines from the CSA. Everyone, whether you're a teacher looking to buy equipment for a day care centre or a parent shopping for a swing set for your children at Christmas, should be aware of the dangers of very poorly designed and constructed equipment.

I know the CSA has launched a very effective information campaign on this subject and published a very helpful booklet that will help guide anyone considering the purchase of playground equipment. I believe it's entitled the CSA and The Consumer: Making Playgrounds Safer.

The problem in developing standards is that when you look at the number of playgrounds that already exist in Ontario today—and there are literally thousands of them across this province, whether they're in the parks here in Toronto or the parks in your home community or whether it's in a co-op or non-profit or wherever—the cost to government and to industry and to the consumers themselves to establish these standards and this undertaking would certainly be very punitive and lead to very high costs.

1030

Also, I believe it would be virtually unenforceable, as there are too many variables in this particular field such as equipment and the supervision of that equipment and the children involved in it. I mean, what would you have to do? Would you have to fence off all the various playgrounds you have in Toronto or in your home community make sure that before children can play on this playground equipment, you have to have supervision of that equipment?

In summary, we believe that an informed and educated public is the most effective way to ensure the safety of our children when using playground equipment. The educated public has led to the high standards of the CSA, because the consumer is a very educated person when going out to purchase equipment, whether it's a VCR or a television or indeed playground equipment. If that product doesn't meet standards, they are quick to let the manufacturer know that. That's what has led to the high standards of the CSA.

I support and appreciate the honourable member bringing forward this resolution today, but we believe the most effective way of dealing with this issue is through the voluntary guidelines established by the CSA over the years for this product and indeed a range of products across this country.

Mr Dalton McGuinty (Ottawa South): I want to at the outset congratulate heartily my colleague the member for Brant-Haldimand for bringing forward what I feel is a very important resolution.

The element that I find particularly attractive to this

resolution is that it is inherently a pro-children resolution. I find that all too often, children, notwithstanding the words that we utter in this House on a regular basis, really are left behind. I have personally introduced a couple of bills which I contended were pro-children. One was the children's anti-smoking bill; another was one which would have reduced the amount of time which we evict our children from our schools when adults fight over money.

However, I want to focus on my colleague's resolution and why I find it so important. I think that as legislators, the wellbeing and safety of our children in this province ought to be one of our most important concerns, and that when there are competing interests with those children, the children's ought to be given priority.

I have some limited experience in terms of kids and playing. First of all, as one of 10 children, eight children younger than myself, I had the opportunity to witness from an older age all the kinds of things that kids tend to get into.

In one particular experience I recall, we were skiing and my younger sister was on the chair lift, on the chair in front of me. She had a long scarf on. It came time to get off the chair lift and her scarf remained stuck in the chair. She was literally hanging by her neck in the air as the chair lift turned around and started to progress down the hill. Fortunately, these operations are well attended and the chair was stopped and she was removed from that in short order.

Another example, and I have four children of my own: My daughter stuck her head, in some way which I'll never understand, between two metal rungs which form part of a fence. I literally had to pry those bars apart in order to extricate her head from that. Another example: My boys are constantly for some reason throwing a rope over a tree in order to climb up.

You can get carried away in terms of preventing kids from getting into fun, but the point I'm trying to make is it's reasonably foreseeable that children are going to get into all kinds of problems in their effort to have fun and enjoy themselves.

Let's consider this issue of playground equipment. It is specifically designed for children to play on it. It is designed to attract them. It is designed to invite them. It is designed to entertain them. Kids from 18 months and up, a year and a half and older, want to climb up on these darned things; they want to jump down. They want to swing on them. They want to slide down. They want to have fun. Let's recognize that.

There's an element of danger in all of that. I don't think anybody here can reasonably expect that we're going to somehow eliminate all the dangers associated with playground equipment, but what I think the CSA standards do is place some kind of reasonable limitation on the element of risk associated with playground equipment.

For instance, one of the things I learned as a result of reading through my colleague's material, which I must say is very impressive in terms of the amount of work he has put into this, is that there is no standard in place

which people who purchase the equipment or manufacturers are required to meet in terms of the surface which is found beneath the equipment. As you might expect, most kids who hurt themselves on the playground equipment do so when they fall, and there is no standard in place governing the surface underneath the playground equipment.

I learned that a child can sustain a fractured skull from a fall of as little as 20 inches on a very hard surface like concrete. I also learned that they can cause the same type of damage if they're only 30 inches off the ground on hard-packed ground. If they fall and their head hits hard-packed ground, they could sustain a very serious injury indeed.

The CSA standards talk specifically about what they call impact-absorbing surfaces, and quite rightly, I think. That goes into things like the kinds of material you can place below the playground equipment. That can be sand, something called pea gravel, wood chips or synthetic material of some kind or another, all of which are designed to ensure that when kids fall, and they surely will, they will sustain, I think, the least amount of injury reasonably possible.

For a resolution of this nature, of course, there will always be opponents. Some will argue that there are going to be additional costs associated with meeting these standards. Some may even argue that somehow there's going to be job loss associated with this kind of resolution if it is indeed passed and implemented by the government. Those are probably to some extent some legitimate concerns, but again, going back to what I said at the outset, I think when we're dealing with interests here which compete with the safety and welfare of our children, we have to give priority to the interests of our children.

Oddly enough, they don't come together and organize and lobby us in this House. I have never had a call, and I'm sure you haven't, from some child representing another group of children asserting the rights of that particular group. I think we have a special obligation as legislators to look out for those who are not able to look out for themselves. That's why I feel this resolution is so very important.

The parliamentary assistant to the Minister of Consumer and Commercial Relations suggests that by making these CSA standards voluntary and by publicizing that, that will somehow fill the bill, and that we need not concern ourselves otherwise. I disagree strongly with that. I think, for one thing, that when my kids attend a playground, they're just not going to be able to tell the difference between a CSA-approved structure and one that is not CSA-approved. In fact, I won't know the difference myself. I think that is completely unacceptable.

Again, for the reasons that I've given throughout, when it comes to the interests of our children, they must be given priority. I am generally very concerned about putting into place additional regulations which will further impair the ability of our manufacturers to compete not only internally but without the province as well. However, I make an exception when it comes to the interests of our children.

I want to second something that my colleague said, and I think this is very important as well. At the end of the day, these structures must be supervised either by parents or guardians, whoever has the children in their care. Particularly younger children must be supervised when they're playing on these structures, and it would be irresponsible for me to suggest otherwise.

Unfortunately, we have already had some tragedies associated with the use of playground equipment, and I would submit that many of those are foreseeable. Some have been associated with kids with ropes, having ropes on the structure, and I think others were associated with children's clothing.

1040

There was a coroner's inquest held in the case of one of these tragedies. I have in my prior life acted on coroner's inquests, and people should understand that this is an opportunity for people to receive expert evidence, to properly consider the issues at hand and to come up with some very sound recommendations. So that coroner's jury made some very sound recommendations, I feel, in connection with that particular tragedy, the death of that five-year-old. They specifically recommended that we adopt CSA standards.

Let's remember what it is that my colleague is asking for here. He is merely asking that the government adopt a policy, put in place a policy, that if you are going to do business with this government, you have to abide by the CSA standards. Furthermore, if we're going to fund you, if you're going to receive money from us—you're one of our transfer partners and you're going to do business with somebody else—then we're going to attach a certain condition to that, which is that if you're getting into the business of purchasing playground equipment, that it be CSA-approved. I think that is eminently reasonable.

Mr Daniel Waters (Muskoka-Georgian Bay): I'd like to take this opportunity to join my colleague the parliamentary assistant to the Minister of Consumer and Commercial Relations in supporting the Canadian Standards Association's new guidelines for playground equipment. I agree these voluntary guidelines developed by the CSA go a long way in making sure the swings, slides and other playground equipment our children enjoy are well built and safe for use.

I'd like for a moment to return to my last sentence, though, and explain the meaning of "voluntary guidelines" somewhat. The CSA has different degrees of standards. I've also worked in an industry, the electrical industry, where it is a mandatory requirement to have a CSA standard, which is their strictest, which means that you cannot sell your product without having a CSA approval sticker on it. Then they have other levels that go right down, and the bottom end of it is the voluntary guidelines, which is asking people to consider the advantages of having CSA-approved equipment, in this case in their playgrounds. But I want to also make very clear that in the information I've managed to get together for this, I have found that CSA does not certify playground equipment. It is strictly a voluntary set of guidelines.

I think everyone in the House is well aware of the fact that all three parties in this House came together on

bicycle helmets and all three parties asked for and in fact required not the other two types of certification, but indeed CSA, because we all recognize CSA as being a standard above and beyond when it comes to safety.

Mr Eddy: Mandatory.

Mr Waters: The member for Brant-Haldimand talks about mandatory. Well, it is not mandatory under voluntary guidelines. It is not mandatory. It is only mandatory in certain industries such as electrical equipment. In the bicycle helmets, we are saying mandatory. We are definitely saying that our children's heads are that important, and the brainpower that is going to be protected within those helmets.

I'm also pleased to learn that the manufacturers of this type of equipment support the CSA. I believe it's a win-win situation, for the consumer and for the domestic playground equipment manufacturer. For example, the municipal employee who buys playground equipment from a manufacturer displaying the CSA label can take comfort in the fact that it has met the recognized high standards, as I said before, of CSA.

On the other hand, manufacturers selling playground equipment that meets the guidelines can use the CSA designation as an excellent marketing tool, I believe. As I keep coming back to, it is recognized throughout our society the quality that is meant when you have a CSA stamp of approval on your merchandise.

I know the playground equipment manufacturer in the honourable member's riding home town of Paris is manufacturing his products to those standards. I congratulate them for that and encourage that manufacturer to work with CSA to take advantage of the marketing opportunity that represents.

Marketing one's products by educating consumers on the importance of purchasing goods meeting CSA standards is not only socially responsible but good business as well. I think there's probably more education that has to go on with the buyers from the different organizations about what "CSA" means. Not everyone out there in the buying public for the different agencies or municipalities are aware of what it means, and I think we have to do some more education on the topic. I join my colleague from Halton North in encouraging prospective buyers of playground equipment to obtain those facts on CSA before purchasing these products.

We ask our children to practise safety first when using playground equipment. That must also be our prime consideration when we as consumers buy these products: to ensure that the equipment our kids are playing on is the best and safest possible.

But I would also like to talk a bit about some of the problems. I'm curious, and I would ask the member for Brant-Haldimand if he could answer: What do we do with the existing playground equipment that's out there? I can tell you, in my riding right now there is a small community in a very rural area that is scraping together a few dollars and calling in a lot of favours from people within that community to come together to create a playground. They're not going to go to the formal municipality to get this equipment. So how do we

encourage these people to, if not buy the equipment if they can't afford it, ensure that the playground they are creating comes to a certain standard?

I think that happens all over rural Ontario in particular, because we have a problem. It's also in urban Ontario, but we're not as well organized and right now we have a problem of finances.

I'd like to wrap up on three points. Once again, I'd like to go back to the fact that we recognize the important contribution of safety standards in providing safe areas for children to play in. We recognize that CSA is the appropriate organization to determine the content and applicability of safety standards for playground equipment and playscapes, but I think we have a problem. The province is not in a position to enforce compliance or adherence. At the same time, we urge all Ontario providers of playgrounds and playscapes to become familiar with the standard Z614-M90, which is the standard for playground equipment, and to give careful consideration to the guidelines when buying and installing equipment and while operating playgrounds.

I also would like to ask the member if there's been any thought given to what happens after the equipment's installed; the upkeep of the equipment and how we're going to deal with that, or, let's say, the ground it's put on, making sure the ground underneath it is safe. Is that going to be something the member also wants us to recognize?

With that, I thank you, Madam Speaker, and I thank the member for bringing this forward. I think it's a very important topic. It's a topic about our children.

1050

Mr Steven Offer (Mississauga North): I am pleased to join in this very important debate in support of the resolution put forward by the honourable member for Brant-Haldimand. I hope that in the time permitted I'll be able to deal with all the areas that I believe should garner the support of this Legislature.

I think we have to realize that what this resolution is recommending is that the government of Ontario urge municipalities, school boards, day care centres and other provincially funded agencies to comply with the CSA national standard when purchasing playground equipment.

The honourable member for Brant-Haldimand has gone on to say that playground equipment that is bought and sold in Ontario currently does not have to meet any mandatory safety standards. It is surprising that this playground equipment is not required to adhere to the CSA national standard. Speaking as a parent, I believe every parent in this province would be aghast, taken aback, to recognize that the playground equipment their children are using does not have to meet certain national standards. I believe it is something which should warrant the support of this Legislature. I believe—and as I've indicated, I speak as a parent—that all who allow their children to play in playgrounds, whether they're municipally run, whether at schools or whatever, just assume that of course this equipment meets some standard and would be extremely surprised that it just isn't the case.

A resolution of this kind sends out a message that in

this province that type of equipment should meet some minimum standards; that there should be some regard to the equipment in terms of handrails, in terms of whether there are any head traps, whether there are any dangerous hooks, whether there are any sharp edges, in terms of its condition, the access children have to the particular equipment and maybe some general standards of rules for the kids.

To me, this is a resolution that is founded on some common sense. We are asking the government and, through the government, the Ministry of Consumer and Commercial Relations, to take some action in this area. We're talking about a ministry that currently has responsibility for something over 80 statutes. They're responsible for birth certificates, they're responsible for marriage certificates, they're responsible for death certificates. They have regulations that deal with stuffed dolls. They have regulations that deal with upholstery and how upholstery should be stuffed. They have regulations that deal with gambling. They have regulations that deal with liquor, beer and wine. They have regulations that deal with bungee cords. They have regulations that deal with amusement parks. The list goes on and on and on. But there is no action, no regulation the ministry will take with respect to the particular equipment that our children play with day in and day out, especially through the summer months.

The commonsense aspect to all of this is that if there is equipment in existence that meets certain nationally recognized standards, then that's the type of equipment that should be in our playgrounds. The government has a responsibility, as it has a responsibility for birth certificates and marriage certificates and death certificates and bungee cording and amusement parks, and the list goes on and on. If they are responsible for dealing with how a sofa is to be stuffed and how a doll is to be created, then surely that responsibility should extend to the types of slides and swings and all those other things that kids play with in amusement parks.

The resolution by the honourable member is founded on common sense. I know the member has done an incredible amount of work; he has documented the terrible tragedies that have occurred because we don't have these types of standards. We are asking in this resolution that the government embrace the CSA standard so that our playgrounds are safe for our children, so that the issues around the safety of that equipment is one which the government has taken charge of. As a parent myself, I believe parents across this province are supportive of this resolution, and I hope that members of the government will stand in their place one by one and support what is an eminently reasonable resolution.

The Acting Speaker: The member's time has expired. Further debate? I'm afraid the member for Simcoe East has already spoken to this resolution. The member for Brant-Haldimand has two minutes to respond.

Mr Eddy: It's not nearly enough, Madam Speaker, but I appreciate that I have that amount of time.

I won't respond to the various speakers for their comments, but I do appreciate the fact that the members for Simcoe East and Halton North and Ottawa South and

Mississauga North, I believe, have spoken to the matter, I think in all cases endorsing the resolution.

The resolution is about as simple as it can be. Really, I would have liked to have gone a lot further. I think it should be mandatory safety guidelines for equipment; it is for most other things. As a farmer, I can assure you how much farmers appreciate the safety features that have been into equipment, and certainly equipment that's there can be upgraded. I don't think we should worry about the cost of upgrading or improving some piece of equipment that's dangerous, if children are using it. I know cost is always a factor, but this is simply urging the government—I think the government members have said they recognize the standards; I don't think there's a problem there—to urge all Ontario municipalities, school boards, day care centres and other provincially funded agencies that use playground equipment to adhere to the national standard when buying playground equipment.

Now, there are many other important facets. There's the maintenance of such equipment, there's the installation and assembly of such equipment, and indeed there's the matter of the ground surface, as the member for Ottawa South has mentioned; many other matters to do with the operation of the playground facility. It's also, in addition to the safety of children, to reduce the legal liability that operators of such playgrounds face today. It's becoming a very costly item; insurance is important. So it's liability as well.

The Acting Speaker: Thank you. The time for this ballot item has expired. It will be dealt with further and decided at 12 noon.

KIDNEY DIALYSIS

Mr Jim Wilson moved private member's notice of motion number 35:

That, in the opinion of this House, since several patients from the Alliston and Collingwood areas are forced to travel great distances often under treacherous winter road conditions to receive haemodialysis treatments; and

Since the government has known of this problem for the past two years and has done nothing to discourage a patchwork dialysis treatment system whereby some patients receive haemodialysis in-home while others are travelling to Orillia or Toronto; and

Since the wear and tear of travelling to receive haemodialysis treatments is taking a significant physical and emotional toll on Simcoe West patients; and

Since many of these patients have attended meetings involving Ministry of Health officials and hospital administrators arranged with the intention of creating a community-based solution to a local problem, and as these meetings have failed to produce a workable local solution because of the ministry's failure to adequately assess the need and because they want to postpone a decision on this problem until a regional dialysis study is completed in another eight months; and

Since the money for Simcoe West dialysis patients is concentrated in Toronto teaching hospitals; and

Since Simcoe West dialysis patients have already suffered enough physical and emotional trauma in

travelling long distances to receive dialysis treatments;

Therefore the government of Ontario should act immediately to embrace a local solution by establishing haemodialysis satellites in both Alliston and Collingwood.

1100

The Acting Speaker (Ms Margaret H. Harrington):

The member has 10 minutes to present his debate and then other members will have up to 15 minutes to debate further.

Mr Jim Wilson (Simcoe West): The thrust of my private member's resolution is simple: I am calling on the government of Ontario to lend their support to dialysis patients in my Simcoe West riding who are experiencing great hardships in order to receive lifesaving haemodialysis treatments.

Several patients in my riding are forced to travel long distances to either Orillia or Toronto to receive treatment that they must have in order to live. I am asking the government to move towards a local community-based solution by acting immediately to establish dialysis satellites in both Alliston and Collingwood. The establishment of these satellites would also lend coherency and consistency to a dialysis treatment system that is haphazard and discriminatory towards some patients.

Last April, I became aware of the very serious problems being encountered by dialysis patients in the Collingwood area. In fact, there was one patient in particular whose case was brought home to me in a letter from Dr Robert Uldall of the Wellesley Hospital. In his letter to me, Dr Uldall said:

"Our patient, Mr Robert Uldall of Collingwood, who has end-stage renal failure, has been travelling to Toronto for haemodialysis three times per week for the past 15 months. This is costing him \$1,860 a month of his own money and he is gradually becoming financially destitute. In addition, this is an inhumane ordeal which no elderly gentleman with a bad heart should be asked to undergo.

I am trying to arrange for him to receive his dialysis in a small satellite haemodialysis facility at Collingwood Hospital."

In a letter to me, also last April, my constituent Mr Uldall described the difficulties in travelling to Toronto to receive care. He said:

"The essential treatment for my condition is haemodialysis, to obtain which I have to go to the Wellesley Hospital in Toronto three days every week. This attendance is literally a matter of life or death.

"The physical and mental strain of these journeys depletes the little strength that I can build up between trips, so that my condition is gradually deteriorating.

Eight months later we are still waiting for this satellite to be established at the Collingwood Hospital.

I am pleased to note that as a result of our urgings, Mr Uldall is now receiving dialysis treatments in his home. However, he would agree with me that it would be better and fairer for all haemodialysis patients in the Collingwood area if Mr Uldall's dialysis machine was placed in the local hospital so that every patient in need could have access to it.

After experiencing the ordeal of travelling three times a week for almost two years, Mr Udall is indeed fortunate to be alive today.

However, other patients in both Alliston and Collingwood continue to make long-distance trips to Orillia or Toronto.

I'd like to quote from a newspaper article that ran in the Alliston Courier-Herald on October 2, 1993. This article poignantly summarizes the ordeal experienced by an Alliston dialysis patient who has no choice but to travel to Wellesley Hospital three times a week. I quote from the article:

"Alvin Hiltz of Alliston is one of those who have to live with the weekly anxiety of trying to find a way to get lifesaving medical treatment.

"I go to Wellesley Tuesdays, Thursdays and Saturdays," he said. "I have to be there by 11:30 am to go on haemodialysis at 12:30."

"Mr Hiltz, who has a permanent shunt in his neck to facilitate the procedure, has been travelling to Toronto for the past eight years to have his blood cleansed.

"They pump the blood out, clean it, warm it and put it back in again," he said. "It takes about four hours but the driver doesn't have to wait for me."

"It takes about one and a half hours to drive to Wellesley," he said, and his drivers drop him off at the admitting door. His wife, Mae, goes with him and wheels him up to the sixth floor for the dialysis.

"When he is finished, they take a taxi to the bus station to catch a bus back to Alliston. "If they cannot find a driver, they must take the bus both ways, which is exhausting for Alvin.

"We're having an awful time trying to get drivers," Mae said. "When we have to go on the bus, it's pretty hard on him."

That's the end of the quote from the newspaper article.

In response to this growing dialysis problem, I arranged a meeting on September 10 in Collingwood to assess the need in the area and to investigate the possibility of establishing a local dialysis satellite. The meeting featured patients, an official from the Ministry of Health, administrators from both the General and Marine Hospital in Collingwood and Soldiers' Memorial Hospital in Orillia, physicians and the executive director of the Simcoe County District Health Council.

The meeting was positive and a commitment was made to approach the Toronto teaching hospitals to see if the moneys currently being spent on these patients could be transferred to help facilitate the creation of a Collingwood dialysis satellite. Around the same time, I became aware of a similar dialysis problem in the Alliston area. I discovered that out of five dialysis patients, four were travelling to Toronto for treatment three times a week and one patient, with my help over that time, had a machine in her home with a paid helper.

Recently, I also became aware that another machine is to be placed in a haemodialysis patient's home in Beeton. This means the Alliston area will have two machines that we know of. These two machines are only serving two

people, while three others are travelling three times a week to Toronto or Orillia.

In October, I arranged a follow-up meeting here in Toronto involving everyone who attended the September meeting, plus officials from the Toronto Hospital, Wellesley Hospital and Sunnybrook medical centre. It was agreed at this meeting that funds could be transferred and satellites established in Collingwood and Alliston if it was cost-effective to do so and if the conditions set out by the local hospitals were met.

Officials from the Ministry of Health made a commitment at the October meeting to take a look at the books of the Toronto hospitals and determine whether there were enough funds to facilitate the creation of these two satellites. These Ministry of Health officials were to report their findings back to me within two weeks. After waiting a full six weeks, the ministry finally got around to sharing its findings. The numbers they uncovered showed that only one satellite would be feasible and that the patients from Alliston would have to travel to Collingwood for treatment or vice versa.

A single satellite arrangement in the Collingwood area only is simply unacceptable. Patients from Alliston, Beeton and Tottenham are no better off and perhaps worse off travelling to Collingwood for treatment than they are going to Toronto or Orillia.

I believe that the government has truly bungled this issue. I don't trust the government's findings. Not only did it take ministry officials a month longer than they said it would to find the dollar figures for Simcoe West dialysis patients, but they admitted they had no way of determining the actual need in my riding of Simcoe West. The blame for this, they said, rested with the Toronto hospitals, which refused to release some information on the number of patients in my riding.

When it came time to crunch the numbers, the ministry suddenly said that funds for four Simcoe county dialysis patients had already been transferred to Soldiers' Memorial Hospital, which is the regional dialysis centre for Simcoe county. Officials from the Ministry of Health attended both meetings in September and October and I can tell you, they never excluded these moneys from discussions surrounding satellites.

During our meetings a Ministry of Health dialysis representative told us that four patients are needed to make a satellite feasible. Both the Collingwood and Alliston areas have five patients each. Satellites exist in other areas such as Belleville, Parry Sound, Laurentian and North Bay. It was suggested that the Laurentian satellite indicates that satellites are doable because of the small cost involved.

When I embarked on the process to create local satellites, I did so with the intention of trying to establish them before winter came and driving conditions became hazardous. The government has continually stalled the process, I believe, so that our efforts could be lumped into a dialysis-needs study that is being carried out in the central Ontario region. This study will not be completed until next summer and is costing taxpayers \$100,000 to determine what we already know.

Surely these funds could be better spent providing local dialysis care. The public is tired of governments that waste money on studies while somehow hoping that the problem will go away.

The Deputy Speaker (Mr Gilles E. Morin): Thank you.

Mr Jim Wilson: I'll conclude my remarks on my next round, Mr Speaker.

The Deputy Speaker: Thank you. Your time has expired. The member for Muskoka-Georgian Bay.

1110

Mr Daniel Waters (Muskoka-Georgian Bay): Thank you, Mr Speaker. I listened with great interest to the member for Simcoe West and his comments, although I do have some problems with it. Part of the problem that we face with health care is that with the past two governments we have had a scattergun approach. You want something, out it goes, and there was no proper planning. Whoever screamed the loudest got the health care.

What we're about is planned health care. We know that there are people in Collingwood and in Alliston who have need for dialysis. We also know that people in Alliston and in Collingwood who cannot travel for their dialysis treatment receive it in their homes. We are working on a plan, a plan on which a report is expected in June 1994 on the whole of central Ontario dealing with dialysis.

Coming from central Ontario, and I think my colleague from Simcoe East actually would even recognize that Orillia is somewhat removed from the Collingwood area, as well as from the area of Owen Sound, if we have a problem in Collingwood, I imagine we have the same problem in the Owen Sound area as well. So I think that in the future there will have to be a move to make sure that it's covered more adequately with dialysis treatment.

But when you look at it, there are two patients from the Collingwood area who were unable to travel so they have home dialysis. There is a total of five patients in the Collingwood area who are in need of dialysis at this point in time. I believe it's five and three are travelling and two are having it in their homes.

When you look at the Alliston area, there are three patients who are currently travelling to Toronto and I believe there's one person who has home dialysis in the Alliston area. So it isn't as if these people are being put at risk. It's that we need some time to do some proper planning. We can't afford to go out with the shotgun effect and just put health care facilities up or treatment centres at every member's request in every community across the province. We have to plan it, and it's going to take time to plan it.

Yes, it is difficult. In the biggest part of my riding, in fact, whether it be in Midland in the Simcoe county part of my riding or in Muskoka, we don't have a dialysis unit. We use Parry Sound and Orillia. People from my riding have to travel an hour and a half to two hours to get their dialysis treatment. And it is difficult in winter. I am not going to argue that point, but I think that you have to allow the system time to work, and if you don't, you're going to end up spending money in a way that

doesn't give you the maximum benefit or indeed meet the needs of all of the people throughout the province.

I really think that the member just has to work with us instead of working against us to try to resolve this problem.

Mr Jim Wilson: I'm leading you on this issue. You people did nothing.

Mr Waters: And the member rants and raves—

The Deputy Speaker: The member for Simcoe West, you have your turn.

Mr Waters: —from across the way that he's leading us on the issue. The issue did not come into effect in January or in September 1990. This issue has been in effect for a long period of time, and in fact we know and recognize and one of the reasons that we're doing this planning—

Mr Gordon Mills (Durham East): Right on. You've got it. You were in charge for four years; what did you do?

The Deputy Speaker: The member for Durham East, you interject from your seat.

Mr Waters: One of the reasons that we're doing this planning is that we recognize that there is a major and a consistent increase in the people needing dialysis, but I have to tell you that dialysis is a stopgap measure.

What we should be looking at, and it's something that we have to do as a government and something that people from all parties have to start doing, is encouraging people to sign those donor cards because the reality is that, if you want to help these people in a permanent way, they have to have donor kidneys and that means transplants, and we have to get those donor cards signed. So I really believe strongly that we have to plan this, first off.

Secondly, it didn't happen with us becoming government, it happened a long time ago. We know that these things have been in, that they've talked about this for years and years, but there's never been a planned approach to dealing with the problem and the need for dialysis. We're working on it and I think that we're doing it in a proper, planned fashion.

I support my Minister of Health in her efforts to do this and make sure that everyone in this province has proper and accessible health care. It doesn't mean you have to have it on your doorstep, we can't afford that. We can have it in the region that will work. Indeed, I think that this is the way to move. Thank you, Mr Speaker, those have been my comments this morning.

Mr David Ramsay (Timiskaming): It's a pleasure to rise in the House today to speak on this motion because it gives me an opportunity to expand to my colleague the sort of catchment area that he speaks of, Simcoe area in southern Ontario, and to talk of the problems that certainly happened in my area of northern Ontario.

If you think you have distances to travel for kidney dialysis in the south, I have to tell the members of the House here that, on a day-to-day basis, people who live in northern Ontario have tremendous distances to travel. In fact, on a monthly basis, I get complaints from patients

on the lack of service for kidney dialysis, and there are a few points I want to make about that.

First, I asked my staff to pull out an Ontario road map. I know one of the first problems of course, when you look at the Ontario road map, is that the scale on the back side of the map, which shows northern Ontario, is about half the scale of the southern Ontario side. So to somebody just flipping it over it looks like "Well, these distances maybe aren't that great in northern Ontario," but of course the scale is much, much different and the distances are great.

I will tell you how the service that we're trying to deliver in the New Liskeard area, for instance, is working. We don't have the personnel in New Liskeard to cover all the patients that require this dialysis service. For some days of the week patients are able to go to the Timiskaming Hospital in New Liskeard and receive their dialysis. On Saturdays they have to go to Kirkland Lake, which would be about a 70-mile drive from New Liskeard, to get to their dialysis. So there's 140 miles that they have to cover, round trip, on a weekend, and the reason they have to go there is that the nurse who is providing the service for New Liskeard in dialysis can't come from Sudbury, a 225-kilometre drive, as she has to during the weekdays to satisfy these people, so somebody comes down from Timmins. We really are in the resource crunch here. Everybody's sort of tied up by not having enough equipment and enough trained personnel providing the service in small communities.

I guess what complicates this also, besides the great distance is, some of you in southern Ontario might say, "Don't you people in northern Ontario have the northern Ontario health travel grant to assist you in this sort of thing?" Unfortunately, for most of these people the health travel grant does not apply because it has to do with sort of a cap on distances, and it doesn't routinely pick up the cost for trips under 150 kilometres in duration.

These people who have to go three times a week to get their dialysis training are accumulating many more kilometres under their belt, if you will, than somebody maybe having to go one time to Sudbury, Sault Ste Marie or Toronto for some sort of medical service. So these people find that they have a greater burden, obviously, of expense of trying to find the service by having to travel within northern Ontario.

On the staff side, we're wasting the valuable time of highly trained people who have to make those trips from Timmins to the Tri-town area or Kirkland Lake or from Sudbury with those distances that I mentioned before. It's really the improper utilization of resources that a lot of this is about. We need to rationalize our services, make sure that the proper service is located in the communities where the needs are and make sure the equipment and the personnel are there to meet those services.

1120

In the end, if we take that rational approach, it will be much more cost-effective and much more cost-efficient to do it that way. When we have these sort of across-the-board cuts, I have great sympathy for the agencies that are trying to carry on this service.

I spoke to one of the persons in Laurentian Hospital in Sudbury the other day about this service. They are trying the very best they can to cope under the financial situations that they are presented with by the Ontario government and the Ministry of Health.

You can't come into a Health ministry and start to say you're going to get control of the expenditures without giving some sort of rational thought as to service provision and how that service provision has to be allocated community by community. Really, what you start to need to have is more local control of this and your district health councils need to have a greater say in how these services can be delivered in a rational way.

These are the points I wanted to make this morning, and I'm very sympathetic to the situation that the member brings up in his particular area. I wanted to use this opportunity to make sure that the legislators understood some of the problems we also have in northern Ontario, and specifically the riding that I represent, the great riding of Timiskaming.

Mr Allan K. McLean (Simcoe East): I'm extremely pleased to provide a few comments on this resolution that has been brought to our attention by my colleague the member for Simcoe West. The member for Simcoe West is urging the provincial government to establish dialysis satellite centres in Alliston and Collingwood because patients have already suffered enough physical and emotional trauma in travelling long distances to receive dialysis treatments.

On Tuesday, December 7, I had the pleasure of attending the official opening of the new regional dialysis centre in Orillia Soldiers' Memorial Hospital. This new facility is dedicated to the memory of the late Edward F. Monck, who crusaded for local service to meet the needs of the people like himself who had travelled to Toronto three times a week for treatment.

The service was actually established in November 1987 as a small satellite unit of Toronto General Hospital to handle three patients. Subsequently, in the face of the growing demand, it was expanded to serve 18 patients.

That's exactly what this member is asking here this morning—to have the satellite units of a Toronto teaching hospital in Alliston and Collingwood. That is the way the one in Orillia started. I think the debate we're having here this morning will certainly bring to the light the many issues regarding the people who are demanding this service.

In 1992 the Ministry of Health approved the proposal for a new five-station unit, and construction commenced in the spring of 1993 in Orillia. This project is designed to serve the region of Simcoe county, Muskoka district and northeast Durham. Total capital cost was approximately \$1.3 million, which included relocation of the administrative and business offices to make room for the new centre.

The Ministry of Health contributed \$1.1 million for equipment and construction and will fund the annual operating budget of \$1.6 million. There are 25 people now on staff and the patient case load has increased to 30. These patients—it runs six days a week—are there

Monday, Wednesday and Friday, and the other group is there Tuesday, Thursday and Saturday. So there are 30 people using the five stations that are there on a six-day week basis.

I believe the expansion of this life-giving service is truly appreciated by the patients who will now be able to receive their service in their own community, and in some cases much closer to their own community than ever before.

Dialysis, a process for cleansing the blood of people whose kidneys have failed, is essential for this life-support function. The only alternative treatment is a kidney transplant. The number of patients with end-stage renal disease, those needing dialysis or a kidney transplant, has recently been increased by 8%. There are 5,000 patients now on the waiting list, a major factor in the aging population of Ontario.

This resolution from my colleague the member for Simcoe West deserves our consideration and support. He is right when he says establishing satellite centres in Alliston and Collingwood will provide badly needed support to patients who have already suffered long enough. I believe these satellite centres would take some of the strain off hospitals that have been crippled by the provincial government's lack of direction.

Massive layoffs and bed closings are putting a considerable dent in the local economies of communities across this province. The lack of government policy and direction is causing serious planning and budgeting difficulties for many Ontario hospitals.

My colleague the member for Simcoe West has raised the matter of hospital mismanagement and funding in the Legislature on several occasions. He has asked the government to provide desperately needed planning direction for health care facilities and hospital boards. He has asked the NDP government to provide a prescription that enables hospitals to plan for the future.

The people are growing more annoyed at this government's approach to the delivery of health care services in Ontario. For example, a group of unemployed construction workers, frustrated with delays in the start of the construction of the new Royal Victoria Hospital in Barrie, gathered last weekend and dug in their shovels in an unofficial ground-breaking ceremony.

The business representatives of the Laborers' International Union Local 506, representing 2,500 workers in Simcoe county, said the member for Simcoe Centre should "get off his tail" and push the Health minister to give the final approval of the project. The labour representative was angry that Mr Wessinger declined to take up the shovel for the symbolic ceremony.

I urge my colleagues to support establishing satellite dialysis centres in Alliston and Collingwood. I thank the member for Simcoe West for bringing this important resolution forward. He has indicated with regard to Collingwood and Alliston the four people that are going there daily and he also indicated that the dialysis machine was put in two homes. Wouldn't it make sense if they were put in a hospital unit—suppose there's only one in the Alliston hospital and one in the Collingwood hospital

that could serve more people? Common sense would tell you that that should happen.

Mr Larry O'Connor (Durham-York): I guess I should start off by thanking the member for Simcoe West for bringing the motion forward, not in the way it's written, not maybe in all of the content, but so that we can have a discussion about this very serious issue, because I think sometimes it's something that we don't really discuss openly enough. I don't agree with everything he's got written in his resolution, but I appreciate at least the opportunity to have this discussion in this Legislature, because it's an important discussion to talk about, especially as the member for Simcoe East said, as our population is aging.

Since 1989 the Ontario government, which has blamed for just about everything, including the economy, by the member for Timiskaming, has put \$23 million towards expanding dialysis services right across the province. As part of the plan, they've been working with local district health councils. Now the member across the way complains because we've given them money to do this. Well, if they're going to do proper planning, it takes a little bit of revenue, unfortunately. We've given some money so that they can do some proper planning.

This is exactly what has happened in Simcoe county. The Simcoe County District Health Council made a recommendation for a preferred regional program, a small haemodialysis satellite in Orillia that of course the member for Simcoe East was at the other day.

It's funny. He can stand in his place and criticize, but he was there because he knows his constituents want it and they need it. The incidence is growing at 10% per annum. It's a serious problem that's got to be talked about. That's why I congratulated the member for bringing it forward.

Prior to the expansion of the Orillia program, residents of Simcoe county had to travel to Toronto to receive their haemodialysis services or, in exceptional cases, receive some care in their homes, if for medical reasons they're unable to travel to Toronto.

The ministry has a thorough strategy in place around prevention, and prevention is going to have to be a key to this strategy, health promotion initiatives to help reduce the incidence of kidney failure over the long term. It's a problem. These initiatives include diabetes prevention, cardiovascular health and nutrition.

We heard the member for Muskoka-Georgian Bay raise the issue that the Ministry of Health supports organ donation, or the establishment of the multiple organ retrieval exchange program, as it's referred to. This program is to provide donor awareness, to let people know that when you get your driver's licence renewal and it's got that little space on the bottom, you should be filling that out.

It costs \$45,000 for an annual treatment for haemodialysis, \$40,000 to \$45,000 a year. That same amount is the amount that it costs for a kidney transplant, so one year's worth of kidney dialysis as opposed to a transplant. Transplant is what has to happen. I think that by the member raising this here, our having this debate

here, we can let people know that it's very important that they sign that form on the bottom of their licence and offer to donate their kidney should that opportunity present itself, because you're going to be giving of a life. Kidney transplant, of course, is the best treatment for kidney failure. It's unfortunate there are so many people on the waiting list today. As I said earlier, the demand is growing at 10% per year. It's something that we've got a problem with.

1130

To the member from the north here, from Timiskaming, I appreciate his intervention into this debate. As we talk about local planning for issues like this, today Kenora, Thunder Bay, Sault Ste Marie, Sioux Lookout, Sudbury, South Porcupine, North Bay, New Liskeard, Kapuskasing, Elliot Lake, Parry Sound and Little Current health centres all have a haemodialysis unit there. The north has some coverage, if not enough.

Last night we had a debate here saying that doctors shouldn't be part of the solution. It's frustrating, because we do have a fiscal situation here not brought about by this NDP government; it's brought about by the reality of the economy that we live in. We're not an island unto ourselves here in Ontario. We're part of a whole country, Canada, part of a North American dilemma that's facing us around fiscal situations. In that, we have to take a look at some realities.

Local planning in issues like this is very important. This is not to say we shouldn't take into consideration the needs of individuals for the travel. Just a week ago, there was an announcement by the Ministry of Health to fund 36 dialysis treatments in an independent outpatient clinic in Markham. The services should begin, I believe, in February.

Dialysis, for those viewing who don't know, is a mechanical cleansing of the blood to relieve people who are suffering from kidney failure. I guess I have to keep coming back to it: The key here is the donors that we need, the education that's got to take place.

This haemodialysis unit program that's going to be up and running in Markham will not only provide for the people around that area and of course my constituents in Stouffville and in that area, but also for some people from Metro. I think there will be about 11 people from Metro able to come into that process.

The announcement for Orillia—I guess I could say that for my constituents in Beaverton and Gamebridge, it would be important that they be able to have something locally. I'm glad they only have to travel to Orillia and they can access that, because a lot of my constituents travel to Orillia.

The final part that the member opposite put in his resolution was, "Therefore the government of Ontario should act...to embrace a local solution." Well, you know, that's exactly what this planning process is all about. District health councils have to be involved in the planning process. Money has to be put there so they can do some local planning. This is exactly what the process is about.

The member opposite complained about the \$100,000

given to the central area for doing some planning. We can't plan if you don't start sitting down and talking about it. We wouldn't have realized we had problems here if it wasn't for the Simcoe County District Health Council making a recommendation that Orillia have an expanded service. I think it's important.

Unfortunately, sometimes we get in the House and we'll hear from members opposite: "You're spending too much. Don't tax any more. Spend a little bit more; tax a little bit less." It gets confusing for the viewers. We've got a financial problem here. The government of Ontario is trying to deal with it. At the same time, we're trying to include local areas in good planning for long-term health care. That's exactly what this process is about. So I'm glad the member opposite raised this issue. I think local planning is important.

If anything, I hope the people who are viewing this morning's deliberations will take an opportunity to take their licences out and sign that donor portion on the back, because that's the key. The key is that for the \$40,000 to \$45,000 that it costs for renal dialysis services for one year, you could have a transplant. For those thousands of people who are waiting on that list for that kidney transplant, it's important that we actually, each one of us, have an opportunity to make an impact that is going to give a lifetime of greater mobility for patients. It's going to offer them a life.

I think it's important, in spite of all the rest of the rhetoric that we find in this motion, because of course they blame the government for just about everything, that we have had the opportunity for this discussion this morning. That's probably a key. Within everything, there's got to be a little bit of rationality put into it. So I guess the rationality here is that, yes, we've got a problem; yes, we've got a local planning solution trying to work with the problem; and, yes, each and every one of us has an opportunity to be part of the solution.

Mr James J. Bradley (St Catharines): I am pleased to be able to participate in this debate today, because I can understand the members' concern about facilities for haemodialysis patients. In the city of St Catharines we have the Hotel Dieu Hospital, which has a haemodialysis unit. The members from the Niagara Peninsula, including myself and my colleagues from St Catharines-Brock and Lincoln and Niagara Falls and Niagara South and I believe Welland-Thorold, all attended at one time or another to look at the unit to see the very difficult circumstances that face that unit. We have as a result, and there have been many representations made by those of us in the Niagara Peninsula, a situation where we have improvements that are going to take place.

If someone had seen the unit previous to that, they would have come to the conclusion that these renovations were needed, that the kinds of services that the member for Simcoe is speaking of, that he would like in his area, are in fact needed. We had very crowded hallways. We had unsatisfactory circumstances facing the staff. It was marvellous, the work that the staff at the Hotel Dieu Hospital in St Catharines were doing under the very difficult circumstances they were facing.

There were several people who made representations

to us. The Kidney Foundation of Canada in the Niagara Peninsula made strong representations. Mr Jack Leake, among others, has contacted all of the members in the area, particularly the member for St Catharines-Brock and me, on a number of occasions to bring us up to date on what is happening. We will now see that improvement. All of us in the St Catharines area and the Niagara Peninsula are hoping to see the tenders opened very soon and the construction commenced at the earliest possible opportunity.

The first priority of course is to serve the patients, and there is a growing number of patients requiring haemodialysis at this time. That list has grown considerably, and that means that the expansion and improvement in those facilities is very much required. So we will, all of us, be urging that as soon as the tenders are evaluated and opened, the commencement date for that construction be set at the very earliest possible time.

The spinoff effect for those of us in the peninsula, and this is never inconsiderable, is the job-producing aspect of it as well. When the work is done, jobs are created and there's an improvement left on a permanent basis for us.

Another issue which the member may find among his people who require haemodialysis is the issue of the drugs. There was a great concern expressed for a period of time that revolved around certain drugs that might be available. The reform of, I guess, the drug benefit program certainly suggested that there may be a cutback in the availability of these drugs. Strong representations had been made, I know, from members of this House and from the Kidney Foundation and from those who are friends and family of patients. I think all of us probably know somebody on a personal basis who is a patient now for haemodialysis. I certainly know a number of people at the Hotel Dieu Hospital who are receiving haemodialysis at this time.

1140

Apparently there has now been a reconsideration, or a consideration—whatever way you want to look at it—of this potential policy of eliminating some of the absolutely essential drugs. As a result of the representations that have been made, the government has now decided that those drugs will be provided through the hospitals.

There is still a concern about certain other drugs or medicines that might be provided to patients. Most people would consider those probably to be not necessarily essential to the average person, but to people who are receiving kidney dialysis, haemodialysis, they are considered to be important in their general health.

Some of the over-the-counter medications that were not covered by the Ontario drug benefit plan were Os-Cal, Diavite, Gaviscon, Basaljel, Amphojel, Maalox, Life Brand, Agarol, quinine, Gravol and artificial tears. Tylenol, ASA and iron supplements were to continue to be covered by the Ontario drug benefit program.

While there are certain essential drugs that were required, I think we can rest assured now, or at least we hope we can rest assured, that they will be covered, because they were the ones that were most mentioned by the Kidney Foundation of Canada. For instance, a drug

called EPO was considered to be extremely important. It's my understanding that it is now to be provided. Cyclosporine is another, and it's my understanding that now that is going to be provided. That will alleviate some of the concerns of patients, because while there were some patients who may be in a financial position to provide those drugs themselves, the problem is that people who are just above the line where they would be eligible for social assistance would find that considerable of their savings would be going into the purchase of drugs. We've tried over the years as much as possible in Ontario to ensure that our health care is not based on a person's ability to pay, but rather on a person's need of medical care services. That's a principle which I personally strongly adhere to and hope that all governments will adhere to well into the future.

In terms of the resolution that the member for Simcoe West has brought forward, we are acutely aware in our area, the Niagara region, of the need for such services and the inconvenience to individual patients. Mind you, when they're getting haemodialysis and they look at the alternative, they are sometimes prepared to put up with those inconveniences. But if you can make it as comfortable as possible and as convenient as possible for such patients, it certainly is appreciated by the patients themselves and their families. The ultimate for many of the patients is to get a transplant, a transplant that will take, so they don't have to use haemodialysis any longer.

I will continue to advocate, as I have in the past, on behalf of kidney patients in our part of the province. I hope that if the need increases for haemodialysis, the present contemplated expansion at Hotel Dieu Hospital is not the only expansion. If there's an increased need, and we always hope there is not, I hope the government is prepared to react quickly to that need, to look ahead, to assess that need and then ensure that it is met. As I say, on a short-term basis, that's going to happen, and I think that's going to be positive for those patients.

I know the member must find it difficult in his area, because he has to have people travel some considerable distance. For anybody who knows kidney patients, you know that they don't face a normal life. There are many restrictions on their lives and there are many ups and downs that aren't directly associated with the kidneys themselves but are side-effects: the kind of water they need, for instance; the amount of fluid they can take in; the fact that blood pressure can go up and blood pressure goes down, and there's always a chance of cardiac arrest. All of these things are going to make the member for Simcoe West and others who have kidney patients in their area want to have those facilities as close as possible to the patients so that there isn't a long period of travel.

We are often considered in the Niagara Peninsula to be part of the Hamilton area and have services available at Hamilton. Sometimes this is the case in fact and sometimes it is the case only in theory. We have to rely upon facts and figures which indicate we have access to Hamilton facilities, when in fact those facilities and opportunities may not be available because they're being used by people in the Hamilton area itself.

I hope all of us will remember, as the member from Simcoe is in his resolution today, that there are many people out there who have kidney disease, who require haemodialysis, who require the best of facilities in terms of the ward itself and will require the best of assistance in terms of the lifesaving and life-improving drugs that are available.

Mr Jim Wilson: I want to take this opportunity to put some of the very clear reasons for setting up haemodialysis satellite stations in Collingwood and Alliston.

As I alluded to earlier, currently there is no consistency in dialysis care across this province. Some individuals travel hundreds of kilometres while others receive care in their homes. Some people have home helpers or nurses who are paid for by a hospital while other dialysis patients have to pay for their own home helpers. Most of the funding and services for dialysis patients in this province is centred south of Bloor Street in Toronto.

Satellites in communities would ensure that all individuals have the right to the same care that others are receiving and that provincial dialysis resources are used to their maximum potential. Better coordination of existing resources is the key to solving this problem. The creation of satellites in Alliston and Collingwood would act as a support and cement the role of Orillia Soldiers' Memorial Hospital as a regional dialysis centre. Having the Orillia hospital as a regional centre also makes these satellites more doable, as Soldiers' is in an enhanced position to provide the needed clinical backups to these satellites.

I am not asking the government to spend new money or more money. The funds for the creation of satellites would merely necessitate transferring the money already being spent on Simcoe West patients in Toronto hospitals back to our local communities so we can apply a local solution to this problem.

Currently, there are two dialysis machines in each community, for a total of four: two in Alliston, two in Collingwood. These four machines are serving only four patients. These machines could dialyse all 10 identified dialysis patients in Simcoe West. Instead, would it not make more sense to have one machine each in Alliston and in Collingwood hospitals so that all 10 patients have access to dialysis treatments close to where they live?

Currently, there are funds allocated to pay for home helpers to assist two patients in my riding. My proposal would reallocate these labour costs. There is an outstanding commitment in the Collingwood community from service clubs to assist in defraying capital startup costs for the satellite and I am confident that a similar arrangement could be achieved in Alliston. When the final figures are broken down accurately, it is more cost-efficient to establish satellites in communities and facilitate the dialysing of patients close to home.

A large component to any health care system must be to care for patients in a humane fashion. It defeats the purpose of providing lifesaving dialysis treatments to patients if their health is allowed to deteriorate by having to travel long distances for care. Health care facilities must be more than just bricks and mortar. They have a moral obligation to provide care that is sensitive and

timely to the needs of the patient. This is not achieved when patients are made to lose years off their lives by travelling huge distances for care.

The social costs of not responding to this problem are enormous. Many dialysis patients in my area are unable to keep a full-time job because they spend half of each week on the road travelling to receive treatment; therefore they are on social assistance.

1150

Common sense dictates that when dialysis machines and space in health care facilities are available in communities, it only makes sense to utilize them close to home rather than incurring additional physical and financial costs by sending patients outside of their own communities for care.

Establishing satellites in Alliston and Collingwood conforms to the government's own belief that health care services should be provided and delivered in a community-based setting. My resolution enables the government to more than talk about its belief in community-based care; it presents an opportunity to the government to act in a humane and decent manner on its already-stated preference for delivery of care.

In the last six weeks, or about the same time it took the Ministry of Health to find dollar figures for Simcoe West dialysis patients, the government has made two significant announcements regarding dialysis assistance. On October 29, the government announced funding to put 25 more people on haemodialysis on an out-patient basis at the Toronto Hospital and Sunnybrook Health Sciences Centre. On November 25, the government announced it would fund 36 dialysis treatments a week in an independent out-patient clinic in Markham.

What is interesting about the latter announcement is that Markham is part of the central region which is currently being studied by the government. While the government suggests to me that proposals for the creation of satellites should wait until the study is completed, the Ministry of Health is creating a satellite in the very same region that I am told is under review and that that's why we can't move forward on this issue in my riding.

The 10% annual growth in dialysis patients indicates that enhanced action is needed to head off an impending crisis in dialysis services. The establishment of satellites in Alliston and Collingwood could serve as a blueprint to solve similar dialysis problems that are popping up in many communities across Ontario.

The mandate of any publicly funded health care system must be to meet the needs of the people who pay for it. Forcing patients to travel long distances, often under treacherous road conditions, undermines the spirit and the integrity of our provincial health care system. We cannot be satisfied with a system that merely pretends to apply a Band-Aid to the dialysis problem while at the same time creating another problem in the form of the stress and strain and social costs involved with patients having to travel long distances for treatment.

Satellites in communities meet every criterion of what health care should be. It is community-based care that is efficient, cost-effective, standardized and humane, not to

mention that local satellites are the preferred option of care for dialysis patients themselves.

I'd like to take this opportunity to share with members the views of my constituents who have fought hard to make the health care system more responsive to their serious and very difficult medical condition.

Rick Mackenzie of Collingwood says: "I put 62,000 kilometres on my car in a year, all because all the dialysis resources are funnelled to Toronto. Why can't it be the other way around and have the resources north of Toronto?"

Doug Wallace of Collingwood tells me: "I had a dialysis unit in my home for a year and a half and then it was gone. Three months later, another unit was installed again. This represented \$7,000 wasted by putting it in and then it taking it out." Kate Wallace, Doug's wife, believes that one machine for one person is the most expensive way to go.

Doug Usher of Alliston says: "I am not prepared to accept the alternative as proposed to me by the Toronto Hospital, which is driving to Orillia three times per week. At my age, 70, driving on Highways 400 and 11 in the wintertime is very hazardous."

Mr Owen Kells of Alliston believes, "If home dialysis is to be completely done away with in favour of installations in local-area satellites, such a satellite setup in our area would be of tremendous relief to those local patients otherwise condemned to service in Toronto or in Orillia."

My resolution is all about doing the right, commonsense, humane thing for dialysis patients who continue to be shuffled to Orillia or Toronto for the care they must have to remain alive.

By supporting my resolution, I firmly believe that all members of this House will also give hope to patients in their own communities who may be suffering the same hardships. This resolution represents hope and a belief that health care services are best delivered to patients in their home communities.

I am calling on the government to stop talking about studies and to start looking north of Toronto to provide remedies to this very real and threatening health care problem.

I want to thank one of the parliamentary assistants, Mr Larry O'Connor, the member for Durham York, one of the PAs to the Minister of Health, for expressing another part of the problem this morning, and that is the need for transplants.

I want to make it clear, though, that while the government is studying this issue in the central Ontario region—and I see that as a roadblock, which I've made clear—many of the patients currently in my riding are past the transplant stage. They will not qualify for transplants; they do not qualify because they are simply too sick.

Transplants are a big problem. It's something I know the ministry's working on. I have, as critic, attended many meetings on the issue over the past three years, and I am confident and do encourage people to sign the back of their driver's licence so that people don't get to this critical stage.

What I am trying to do as the member of provincial Parliament, though, is to deal with the realities in my riding. Reality dictates, and I am told by ministry officials, that we do have a very haphazard, rather crazy approach to dialysis. Does it make sense to have two machines in Alliston serving two patients when one machine located in the local hospital could serve all five patients?

I've discussed it with the patients. The two who have machines are willing to give them up and travel a very short distance to the hospital so that fairness can be applied and everyone in that community—and the same in the Collingwood area—can have access to this lifesaving treatment.

I want to thank the member for Simcoe East, my colleague, who on Tuesday celebrated 30 years in public life as an elected official. He spoke with wisdom in supporting my resolution this morning. He supported it because he knows of the hazardous winter conditions, he knows of what I speak, and he cares about the people in my riding and his riding and in Simcoe county.

I present to the government an opportunity to embrace a commonsense solution this morning. I ask that all members support this and that the follow-up action be taken so that satellite dialysis units are established in my riding.

PLAYGROUND EQUIPMENT SAFETY

Mr Ron Eddy (Brant-Haldimand): On a point of order, Mr Speaker: It was not my intention to mislead the House in the resolution I presented, but as a result of further information that's come forward since the resolution was printed, I find it necessary to correct paragraphs 3 and 4 of the preamble.

Paragraph 3 says, "Since several Canadian manufacturers" etc. That should read, "Since several Canadian and foreign manufacturers". Paragraph 4 says, "Since many foreign companies" and should say, "Since some Canadian and foreign companies". That is the result of further information.

The Deputy Speaker (Mr Gilles E. Morin): Is there unanimous consent that we make this correction? Agreed.

The time provided for private members' public business has expired. We will deal first with ballot item number 41 standing in the name of Mr Eddy. If any members are opposed to a vote on this ballot item, will they please rise.

Mr Eddy has moved private member's resolution number 34. Is it the pleasure of the House that the motion carry? I declare the motion carried.

KIDNEY DIALYSIS

The Deputy Speaker (Mr Gilles E. Morin): We will now deal with ballot item number 42 standing in the name of Mr Wilson. If any members are opposed to a vote on this ballot item, will they please rise.

Mr Wilson has moved private member's resolution number 35. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."
All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1200 to 1206.

KIDNEY DIALYSIS

The Deputy Speaker (Mr Gilles E. Morin): Order. Mr Wilson has moved private member's resolution number 35. All those in favour of the motion will please rise and remain standing until your names are called.

Ayes

Arnott, Bradley, Carr, Cunningham, Eddy, Hansen, Harrington, Jackson, Johnson (Don Mills), Jordan, Klopp, Kormos, Martin, Malkowski, Mammoliti, Marchese, McLean, O'Neil (Quinte), Rizzo, Sterling, Turnbull, Villeneuve, Wilson (Simcoe West), Wiseman.

The Deputy Speaker: All those opposed to the motion will please rise and remain standing until your names are called.

Nays

Akande, Bisson, Cooper, Haeck, Hope, Johnson (Prince Edward-Lennox-South Hastings), Mathysen, Mills, Murdock (Sudbury), O'Connor, Perruzza, Sorbara, Sutherland, Waters, Wood.

The Deputy Speaker: The ayes are 24; the nays are 15. I declare the motion carried.

All matters relating to private members' business having been completed, I will now leave the chair and the House will resume at 1:30 this afternoon.

The House recessed from 1208 to 1330.

MEMBERS' STATEMENTS

CANADIAN FORCES BASE TRENTON

Mr Hugh O'Neil (Quinte): As the festive season approaches, I rise to once again pay tribute to the men and women in the armed forces at 8 Wing/Canadian Forces Base Trenton under the command of Colonel Barry Krall, and the air transport group under the command of Brigadier General Jeff Brace.

These men and women have distinguished themselves because of the dedication and service they have provided for not only the people of Canada but also for the people throughout the world. Their humanitarian efforts worldwide—relief projects, their support of ongoing peacekeeping and rescue missions—make the residents of Quinte proud to have them as members of our area.

I ask the members of the Legislature to join with me in thanking them for their committed service to Canada and ask that you extend to them best wishes for the holiday season.

NATIVE CHILDREN'S SERVICES

Mr Robert W. Runciman (Leeds-Grenville): Later today, I will be tabling petitions calling for further investigation into the death of a 16-year-old aboriginal boy in Smiths Falls.

In August, 1992, Teddy Bellingham was lured into an apartment and then beaten to death over a period of hours. At least five people stood by and watched, but did nothing to stop the murder.

It took a full year and an anonymous tip to police to uncover what had happened. His body was later found in a shallow grave north of Smiths Falls.

To date, one man has been charged with first-degree

murder; three others are charged as accessories.

The government's handling of the case thus far is troubling, to say the least. Firstly, the Ministry of Community and Social Services has refused to go public with its investigation into why the boy's disappearance from his foster home was never reported to police. The ministry has cited the future criminal trials as a reason to keep secret its report about how the local children's aid society handled the boy's disappearance. I ask the Minister of Community and Social Services, how in the world could whatever the CAS did or didn't do for Teddy Bellingham affect the upcoming criminal trials?

Secondly, only four of the six witnesses who police believe watched the murder have so far been charged. The fact that no charges have been laid against some witnesses who acted as passive participants at the time and as silent conspirators in the year following the murder is a matter of outrage for residents of Smiths Falls, the native community and, I'm sure, residents across this province.

I urge the Solicitor General and the Attorney General to ensure all avenues have been pursued to bring the remaining people allegedly involved in this murder before the courts.

AGE DISCRIMINATION

Mr Gordon Mills (Durham East): Today I want to speak about agism and the hideous form of discrimination that is. It seems to be getting worse, for there isn't a week that goes by when a very talented man or woman is cast aside, as one discards old clothes, from a position they've held for years.

Of course it's fair to say that energy levels tend to lower with the decades. It seems as if the bright-eyed recruits off the university press bring an eye as yet undimmed by cynicism to the positions previously held by older workers. What they don't bring is job experience.

If we discarded the obsession some companies have today that if you're over 50 the only place for you is the human scrap heap, then perhaps we could deal with the widespread misery prevalent today among older workers.

I would argue that if you have a lively personality, a capacity for new learning, many years spent at the university of life, not pridebound by routine or touched with prejudice, then notwithstanding the fact of being 50 years of age or older, you should stand your ground and demand to be given the opportunity to live your life to the fullest.

Discrimination due to age is gaining momentum in Ontario and it must be eliminated as we work to eliminate all other forms of discrimination in this province.

CORPORATION FILING PROGRAM

Mr Steven Offer (Mississauga North): I want to inform this House, and through this place the people of the province, of a very serious matter which has arisen through the Ministry of Consumer and Commercial Relations. This matter is one which is another blow, especially to the small business owners of the province.

We are all aware of the tremendous pressures that small business operators face each day. The economy and indeed the general cost of doing business are daily

pressures put upon this sector. We all remember that last year the Minister of Consumer and Commercial Relations imposed a one-time \$50 filing fee for each business. We all remember the impact this had on businesses struggling to exist in very difficult times.

Now I have a press release which says that last year's one-time filing fee is going to be an annual, yearly requirement, that the government is going to gouge \$50 out of each struggling business every year.

Minister, you have provided to me the business fee schedule from each province, and guess what? Ontario has the single largest fee schedule for businesses in any province throughout the country. It's time to get real. Small businesses have the potential of creating more new jobs than your government ever will. Give them a chance. Repeal this fee.

MEDIA REPORTING

Mr Cameron Jackson (Burlington South): On Tuesday of this week the Legislative Building was evacuated for two hours in response to two bomb threats. This followed Monday's threat involving the constituency office of the NDP House leader and Chair of Management Board. Brian Charlton stated that the threat against his office had to do with the now-infamous memo banning religious Christmas decorations from Ontario government buildings.

NDP Wentworth North MPP Don Abel and his assistant, Jane Mulkewich, the daughter of Burlington mayor Walter Mulkewich, went further to blame the threats directly on the Hamilton Spectator and CHML radio host Roy Green, who recently did an on-air talk show about the memo.

In a letter to the Spectator, Jane Mulkewich states, "When sensationalist media hype results in bomb threats, I feel it is time for the media to take a little more responsibility for its actions."

These kinds of inappropriate accusations remind us of similar ones made by Richard Nixon and Spiro Agnew, who made perfectly clear their dislike for the meddlesome media. They also reflect the worldwide socialist practice of repressive politics against a press that refuses to toe the party line but rather attempts to meet the challenge of protecting the most fundamental public freedoms of a democratic society.

Bomb threats are always to be taken seriously and must be dealt with responsibly. However, it was Don Abel and Jane Mulkewich who were being irresponsible in blaming the media for doing its job of reporting the news and all the news, whether it is flattering to this NDP government or not.

SEASON'S GREETINGS

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): Today I'd like to take 90 seconds to speak about members' statements. I understand that to run the operations of the Legislative Building during our sessions costs somewhere in the neighbourhood of about a quarter of a million dollars. If you were to compute that into what it costs per minute for members to stand up and make statements like I am right now, just depending on how you do your computation, it could be anywhere from

maybe \$500 to \$1,000 per minute.

So I guess the statement I'm about to make probably is going to cost around \$1,500, and now I only have a minute left and I know that at the end of my statement the Speaker will stand up and tell me that my time has expired.

But because this is nearing the end of the year and it's certainly the holiday season, I just want to take this opportunity to thank many of the people in the Legislative Assembly who help us do our jobs.

For example, I want to thank Hansard, who will be very disappointed today to note that I don't have a written report to give to you, so don't send me the little note that asks for one.

I want to thank the translation people, and I'll wave to them right now and say thank you very much, you do an excellent job.

I want to thank the security people who in this facility make sure that we are looked after very well with regard to our security, much to the disappointment, I guess, of many who would say that we make it too lax, but that allows all the people to come into the Legislative Building and into this chamber the opportunity to hear what we have to say.

I want to wish everybody the very best of the holiday season and a very prosperous new year. I know the Speaker's going to stand up right now and say that my time has expired.

The Speaker (Hon David Warner): The member's time has expired.

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CONSERVATION AUTHORITIES

Mr Michael A. Brown (Algoma-Manitoulin): Many people in the province of Ontario are concerned with protecting and conserving environmentally sensitive lands. In the spring, the Ministry of Natural Resources cancelled the conservation lands tax program. This program assisted conservation authorities in paying land taxes on these sensitive lands. Some of these lands are in the Niagara Escarpment and in the Oak Ridges moraine. We are being told that as many as 18 conservation authorities will have to sell environmentally sensitive lands in 1994 in order to continue operating, given other government funding cuts and changes to government formulas.

The minister must undertake today to indicate forthwith the funding for the important work of the conservation authorities for 1994. The minister knows full well that the municipalities are now working on their budgets, as are the conservation authorities, and they need an answer now.

The Minister of Natural Resources was also presented earlier this year with a document from the conservation authorities with the potential to save Ontario taxpayers \$100 million. The minister promised a response to the Blueprint for Success by October. It is now December. We're starting to see reindeer. We would like to see the Minister of Natural Resources come forward with a response to this plan of the conservation authorities and save our taxpayers \$100 million.

MEMBER FOR SIMCOE EAST

Mr Leo Jordan (Lanark-Renfrew): I am honoured to rise today to recognize a man who has served the people of Simcoe East for the past 30 years at both the municipal and provincial levels of government. Allan McLean was first elected to Oro township council in December 1963 and served eight one-year terms and six two-year terms in the positions of councillor and reeve, followed by one term as warden of the county of Simcoe.

Al campaigned in a total of 14 municipal elections and ended that segment of his political career with a record of 12 and two. He has won four provincial elections and was first elected as the member for Simcoe East in 1981.

Al held positions on every standing committee of the Legislature and chaired two committees during his 12 years at Queen's Park, as well as serving in the cabinet under Premier Frank Miller.

Al is one of the few politicians who can truly be called a constituency man, and he takes great pride in serving in that capacity. Al is an old-fashioned, grass-roots politician who practises his craft on a personal basis with his constituents and his colleagues here in the Legislature.

Al doesn't boast about his success. He considers it a compliment to himself if he can do something for someone else, and not just at election time. He is a textbook kind of representative in the political field, and all of this is accompanied by a sense of humour and an ability to be always with the people from all walks of life.

JOBS ONTARIO

Mr Donald Abel (Wentworth North): I can't for the life of me understand why the official opposition and the third party continue to criticize and condemn the NDP Jobs Ontario program. For example, let's take a look at Jobs Ontario Training. It's working, and working well. All one has to do is pick up the newspaper and read what people are saying about the program, or just switch on your TV set and hear what's being said.

Paul Tyndall from Innovative Automation Inc stated on CKVR-TV's Total News: "Jobs Ontario, the way we've seen it, is probably the first program that's really shown some direct benefits to employers in our industry. It has given us an opportunity to hire people that are looking for work that have a potential that can be trained for the technical skills that we require."

So, to my critical friends across the floor, the program is working, and working well, and not only in the Hamilton-Wentworth area but all across the province.

Recently in the Hamilton Spectator Michael Schuster was quoted as saying, "Increased employment so far this month has prompted more people to stop their welfare claims as employment schemes...such as the government's Jobs Ontario program...continue to kick in."

Frank Tilley, president of Tilley Canada, recently stated, "And it's a good program for the people we hire because they will get a long-term job—and I think they can feel justifiably proud of the professionalism they will have achieved because of the training."

Finally, a November 2 headline in the Chatham Daily News said it all. It reads, "Jobs Ontario Gets People Working."

STATEMENTS BY THE MINISTRY
AND RESPONSES

FINANCIAL INSTITUTIONS LEGISLATION

Hon Floyd Laughren (Minister of Finance): Later today I will be introducing an omnibus bill on financial services reform in Ontario. When the financial services review was announced in October 1992, we promised credit union reform would be the first step. We are delivering on that commitment today.

It has been 17 years since the Credit Unions and Caisses Populaires Act was first enacted. Almost a generation has passed and credit unions need to be able to serve their members better in a rapidly changing marketplace. Credit unions and caisses populaires need a modern regulatory system to strengthen their ability to serve their two million members and better contribute to community and economic renewal.

Throughout their history, credit unions and caisses populaires have served individuals and grass-roots enterprises that felt ignored by large financial institutions, but which provided jobs and services vital to their communities.

As locally based financial institutions, credit unions and caisses populaires can play a greater role in community economic development. In many small communities, the credit union or caisse populaire is the only financial institution in that community.

This bill will give credit unions and caisses populaires the powers they need to serve their members and communities more effectively.

The reforms will allow broader lending powers, especially in commercial lending. This will enable credit unions to do more to support small businesses, farms and cooperatives.

The reforms will help credit unions grow by allowing them to set up subsidiaries and to join with other credit unions in financing large projects.

The reforms will help credit unions gain access to new sources of capital by enabling them to sell shares to the public.

These reforms will support local economic development by allowing credit unions to put money into a wider range of investments such as joint ventures with other credit unions and community loan funds for small business.

These reforms allow credit unions to provide the kinds of services to compete on a level playing field with the larger financial institutions.

To strengthen the movement's stability, the bill will establish a self-help safety net so that credit unions themselves can help a credit union correct problems before they get any larger. These reforms will begin a new era for Ontario's credit unions and caisses populaires and their communities.

In the second part of this bill, we are updating the Insurance Act to provide a framework to ensure life insurance agents continue to be knowledgeable and well regulated in a changing marketplace.

This framework will enable us to introduce higher

educational standards and two levels of licences and to establish a strict code of ethics and set out serious penalties for violating it.

It will also broaden agents' ability to offer the products of other insurance companies to better provide for the diverse needs of consumers.

The third part of the bill strengthens protection for investors in securities. These measures will further enhance confidence in Ontario's markets as a safe place to invest.

The bill amends the Securities Act to update the Ontario Securities Commission's powers to investigate alleged misconduct and to deal with misconduct when it is found. To make monitoring the conduct of participants more efficient and effective, we will also extend the OSC's authority to recognize and oversee self-regulatory organizations.

I want to close by thanking the representatives of each industry who worked with the government in developing these reforms. We look forward to continuing to work with the other parts of the financial services sector on reforming Ontario's rules.

I also want to thank the present House leader, the Honourable Brian Charlton, who launched this initiative about a year ago. He has been extremely helpful.

Present today in the members' gallery are representatives from the credit union and caisse populaire movement. It's a proud day for the government.

1350

INTERNATIONAL HUMAN RIGHTS DAY

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): I know that I speak for all members of the Legislature and for all Ontarians in acknowledging the importance of International Human Rights Day, which people in many countries will celebrate tomorrow.

December 10 marks the 45th anniversary of the Universal Declaration on Human Rights adopted in 1948 by the United Nations.

In the intervening years, Ontario and Canada have developed tremendously. We enjoy one of the highest standards of living in the world. We have mature democratic institutions. Our universal access to education and health care is envied in many parts of the world.

The people of Ontario take pride in these accomplishments, and this government is continuing to work towards the basic principle of the universal declaration: ensuring the inherent dignity and equal rights of all members of the human family.

We believe that to promote social justice and uphold human rights we must help provide all Ontarians with full opportunities to participate actively in our economy. We believe that to help develop a solid, diversified and globally based economy we must build a society that respects the rights of all residents and inspires them to make the most of their skills and their capabilities.

Since we took office more than three years ago, the Ontario government has worked on many levels to

promote social justice and economic renewal. For example, the Ontario government was the first in Canada to sign a Statement of Political Relationship with the first nations in Ontario, formally recognizing the inherent right of the first nations to self-government.

We have increased public support for child care; we have committed to the most progressive pay equity program in North America; we have introduced measures and programs to improve accessibility in our public transportation system and provincial parks and to give people with disabilities more control over directing the programs and services that affect them.

As Minister of Citizenship, I have the honour to chair the new cabinet round table on anti-racism and responsibility for the Ontario Anti-Racism Secretariat. My ministry has brought in the Advocacy Act to assist vulnerable people to exercise their rights, freedom and autonomy. I have also witnessed the important work of the Ontario Human Rights Commission which continues under its new chief commissioner, Rosemary Brown.

I am looking forward to the commission eliminating its backlog of old cases by March 31, 1994. The commission has worked hard to become more effective and more efficient. As a result of such measures as the early settlement initiative, new cases are being resolved faster: 66% of new cases were resolved using the early settlement initiative in the first six months of this fiscal year, which is quite outstanding.

It is only fitting that today, on the eve of International Human Rights Day, we introduce for third reading Bill 79, our employment equity legislation.

We have taken every effort to consult with the people of Ontario in preparing legislation that is both pioneering and practical, fair and effective. By embracing the spirit of employment equity, employers and employees will help create workplaces that are more fair and productive and therefore beneficial to all Ontarians.

I am delighted that Bill 79 will be introduced for third reading in this assembly later today, and I thank the many people who have given so much of their time and energy to the development of this significant piece of legislation.

I know that they, along with members of this Legislature, will join me in calling upon all Ontarians to reaffirm this province's commitment to human rights here in Ontario and throughout the world.

FINANCIAL INSTITUTIONS LEGISLATION

Mr Murray J. Elston (Bruce): It's interesting on a day like today when we're winding down, so to speak, the legislative agenda, that we're confronted again by another piece of omnibus legislation, which seems to be the new tradition in this House.

I spoke yesterday with representatives of the credit unions and caisses populaires and indicated my very strong interest and what I expect will be the support of our caucus for new means of doing business for the caisses populaires and credit unions in this province.

I did confront them, however, with the new tradition in this place, which is to tie together in bills several aspects of unrelated material, although all falling under the same

general ministerial area, which sometimes impedes our ability to actually get to the heart or the root of the intended legislation's valuable effect.

My concern is not so much with the credit union portion or the life underwriters' portion or the securities portion, as they are separate pieces of legislative initiatives, but more the fact that the government now views it as a real sort of manner of doing business, that it can put all of these things together in a way which has not really been contemplated in this place before. It's really changing the way we do business here.

I do have some concerns and I did speak to the people from the credit union movement yesterday about one concern I have, and that is the very nature, the philosophical backdrop for credit unions and cooperatives in this province. The whole issue of having a credit union or a cooperative being able to issue share capital for the benefit of a capital gain to those people who may or may not be members is a bit of a problem for me because you're not supposed to really make money on a capital investment in these particular organizations. You're supposed to collectively, through your combined operation, save money for all of the people, all of the members in a more equal fashion.

I raise that question philosophically and I will raise it again during our debates and ask how this may tend to convert the cooperatives and the credit unions into something a little different than what I think they were originally intended to be. I also indicated that perhaps that's not going to be a real impediment to the passage of this, but I want to note that this is a change in the direction of how credit unions and caisses populaires traditionally have operated in this province.

I have another couple of observations to make. While it is important to start someplace, and I appreciate that both the member for Hamilton Mountain and the member for Nickel Belt have begun with credit unions and have married then a couple of other smaller initiatives with this bill, there are other financial institutions in the province that would hope that the playing field can be levelled so that everybody is participating from an equal footing. I also mentioned this to the people with whom I spoke yesterday and I think that all of the people who are involved in financial institutions and the financial affairs around the province are probably interested in seeing that happen.

There is an interesting departure. I haven't yet seen the bill, but I understand that the bill will indicate that credit unions and caisses populaires will be able to sell insurance out of their branches, except that there will be regulation which prevents that at this particular time.

While we're looking for some kind of similarity between federal and provincial regulation, this is the flip side of the way that the banks are now handled federally, and I think there will be some confusion remaining out there in the field that will have to be explained quite explicitly by the Finance minister.

I stop there to allow my friend the member for Scarborough North to get a few words on the record about human rights day, but I can tell you that there will be interesting days ahead for our debate to take place.

INTERNATIONAL HUMAN RIGHTS DAY

Mr Alvin Curling (Scarborough North): I too rise in recognition of December 10, which marks the 45th anniversary of the Universal Declaration on Human Rights adopted in 1948 by the United Nations.

We continue to have a nation that is concerned about our children, the growing numbers who are children in poverty. We continue in our society to hear women who are disclosing daily the violation of their bodies and their minds in society, and we must take some action on that; minorities subjected to racism and discrimination, which is getting worse, and we must do something about that; and the disabled whose recognition is yet to be addressed adequately.

This year is the year of the aboriginal person. It should be a watershed for all of us, but promises are yet to be kept. I think we cannot stand very idly unless we make sure that we address those concerns of human nature.

FINANCIAL INSTITUTIONS LEGISLATION

Mr W. Donald Cousens (Markham): First of all, to the Minister of Finance: I wish I knew that the Minister of Finance has the best interests of everyone at heart when he starts making changes as he announced today.

Do you have the intention to make it difficult for the small credit unions to exist? Are the new regulations and guidelines going to make it next to impossible for them to carry on business in the province of Ontario? Has this government lost sight of the fact that people were looking for changes to the Loan and Trust Corporations Act. You talk about a level playing field for credit unions. What about the need also to review the legislation as it affects loan and trust companies in the province of Ontario?

1400

Trust companies as well are facing tremendous competition and are looking for ways to survive if the province of Ontario would at least begin to look at their needs. They have trouble in lending. They can't lend to businesses that have not been in business for more than five years. They can't give letters of credit. They can't give banking services to subsidiaries.

Why don't you, as Minister of Finance, look for a way in which all Canada comes together and we start having a national program where we have a reduction in the bureaucracy that we have in Ontario and find some way in which there's a national securities goal and all of Canada begins to be somehow guided by the same fundamental principles so that those who are in Ontario can benefit as well by what happens in other jurisdictions?

I see this bill as another omnibus attempt. It is a dangerous attempt where I hope the ministry and the government will be open to some lively discussion and debate as we look at trust companies, as we look at the small credit unions, as we look at the national scene and the bigger picture.

INTERNATIONAL HUMAN RIGHTS DAY

Mr W. Donald Cousens (Markham): I'm disappointed that we in the House haven't more time to talk about human rights day and that there wasn't a special time for all parties to make a special statement on such

an important issue. This is the anniversary of the United Nations Universal Declaration on Human Rights.

Forty-five years ago, the world was awarded the first opportunity to put an end to injustices against human rights. On December 10, 1948, the United Nations adopted a list of the fundamental freedoms to which all men, women and young people are entitled. Some of these freedoms include freedom from slavery and torture and arbitrary arrest and detention, the right to join a union, the right to own property and to vote, freedom of movement, the right to seek asylum in other countries, the right to a fair trial and the right to be presumed innocent until proven guilty.

This declaration was the first step in the creation of an international machinery for the protection and promotion of human rights. The hope was that there would be no more war, that there would be no more pain and suffering, that there would be no more injustices to the human spirit.

In Ontario, we can celebrate this declaration. We enjoy the rights and freedoms founded in that declaration. We have used these rights as the cornerstone of our own Human Rights Code. We have taken the lessons of history and tried to put in place a system that tries to protect all of us from human rights violations.

The world is a different place today than it was in 1948, yet there is the same need for the protection of human rights. In fact, we need more.

Wars are raging in various parts of the world. Each night we see the atrocities of war in Yugoslavia, where many women and children are suffering at the hands of their captors. We see conflict in Ireland, Israel and South Africa. Human rights violations are rampant. Amnesty International is still fighting for the freedoms of political prisoners worldwide. There seems to be no end in sight.

In Ontario, we have all witnessed an increase in racially motivated crimes against individuals in our society. The Jewish people, the aboriginals and the various ethnic minorities are being verbally persecuted right here in our own province. Here we are today celebrating our freedoms and the belief that the United Nations declaration is working, but turn on the news each night and we can see otherwise.

What is the answer? Human rights violations should not be tolerated. We can talk about building tolerance and respect, but we can act out this thought. There are still many cases of systemic discrimination against women, children, visible minorities and people with different religious or cultural beliefs. Systemic discrimination also exists against the poor and underprivileged, yet actions like the riots on Yonge Street, the defacing of Jewish synagogues and attacks on visible minorities remind each of us that human rights violations still exist.

Today we recognize and honour the human rights declaration. Its principles are sound. The mandate is strong. Today, then, we must recognize that 45 years ago there was a need for this declaration. We share the same need. Let's begin once again to restore the respect for all members of our society worldwide.

ORAL QUESTIONS

AUTOMOBILE INSURANCE

Mrs Lyn McLeod (Leader of the Opposition): My question is for the minister of financial institutions. Minister, it was a year ago that there were three different actuarial studies, all of which found that insurance premiums would indeed go up as a result of the legislation that you were imposing to change the car insurance legislation. You insisted at the time that your legislation would not cause premium increases, that it could all be managed without an increase in premiums.

Today, as I'm sure you know, the Insurance Bureau of Canada has said that the average car owner in Metropolitan Toronto will face a \$100 increase in their insurance premiums. Minister, what happened to your claim that this legislation could be implemented without any increase in premiums?

Hon Brian A. Charlton (Chair of the Management Board of Cabinet): It would appear that the leader of the official opposition has been missing for a few months. Several months ago, we made the announcement that the OIC, the Ontario Insurance Commission, would be allowing the insurance industry in this province, on its automobile insurance book, to make application for up to 5% increases associated with the implementation of Bill 164.

There was a fairly extensive discussion that went on in July of this year in the media and publicly around the cost increases that some were predicting, and even the information which is out there today, when you get past the headlines, sets it all out fairly clearly, that the industry is taking 5% or less in association with Bill 164.

There are some other costs in the system, like the 5% tax which was imposed by the Treasurer in the budget, which has nothing to do with the auto insurance legislation, and there is also about 7% in increases associated with the legislation which the Liberal government passed in 1990. All of the insurance industry analysts openly admit that the vast majority of the cost increases being imposed at this point are a result of the existing Liberal legislation.

Mrs McLeod: My question of the minister was how he reconciles what he said a year ago about not having any premium increase with the clear evidence that premiums are now going up an average of \$100, but I guess it's another case of, "That was then, this is now." You don't have to reconcile the commitments you made a year ago with what is actually happening today. It's no longer relevant.

Minister, we know very well what is happening. We're well aware that there are companies that can apply for a 7% increase in their premiums because of the additional costs. We are also aware that the auditor has in fact commended the insurance commission for its regulation of the industry. That seems to be a legitimate application on the part of some companies. But the other factors that are bringing about the \$100 increase in premiums are directly related to what your government has done.

We are seeing premiums go up by 5% because of your legislation and we're also seeing premiums go up by 5%

because of the tax that you imposed last spring on car insurance premiums. So, Minister, your government alone is responsible for imposing a 10% increase in insurance premiums.

I'll tell you what I've been doing. I've been talking to a lot of people who are frustrated and angry. This represents over 30,000 letters that we have received from people who are upset about the kinds of increases they are facing because of your tax alone, and I want to just give you a flavour: "I object strongly to being taxed on an item which is a compulsory and not a voluntary purchase. I've already been forced to sell my car because of the high costs. Don't even think of raising one more tax dollar."

Minister, how could you have added new taxes to car insurance at the same time that you knew very well you were passing legislation that was going to increase premiums on its own? Instead of hitting car owners twice, why don't you at least repeal this regressive tax?

Hon Mr Charlton: The Leader of the Opposition has dealt again with two issues, the tax issue and the Bill 164 issue. She started out her question by referring to commitments that I made a year ago, when in reality she was referring to commitments that I made two years ago, in December 1991 when I introduced Bill 164. Then she tried to roll into the commitment that I made 5% taxes which were introduced in May of this past year, which had nothing to do with any commitment this minister had ever made to anybody. The issue of the tax is a real issue. It is a net cost to the consumers in this province, but it has nothing to do with the automobile insurance legislation around which this minister has made commitments.

1410

The passage of two years has added some costs, but it's time that the Leader of the Opposition lived up to and admitted publicly to the mistakes that the Liberal government made in respect to auto insurance in this province. The 7% that she refers to is directly related to the cost of their insurance package. The insurance industry has said, and said clearly, that Bill 164 will reduce the future costs of pressure that would have resulted because the Liberals failed to deal adequately with the implementation of change in this province.

Mrs McLeod: There is absolutely no confusion on this side of the House. In February 1992, and it is in Hansard, this minister said that indeed the costs of the new legislation on insurance could be about 4.8%, close to 5%, but that it could be handled without an increase in premiums. Knowing that, this government brought in a 5% increase through a tax on insurance premiums, and that adds up now to a total of 10% that this government has imposed in increased car insurance premiums.

The people who are writing to us, the people who are calling our constituency offices, are frustrated and they're angry about the taxes, and they are going to be even angrier when they see those premiums go up in January.

I give you just one more example of somebody who has written to me and said: "How is it that new rules end up increasing insurance costs? I would have expected a

decrease. Am I the only one who is confused?"

The anger, the frustration, the confusion out there is widespread. The cost that this government is imposing is hitting car drivers across the province, whether they are young drivers, seniors, truck drivers or taxi drivers. Minister, I ask you, if you are not prepared to repeal your tax on insurance, will you repeal Bill 164 before it's too late, or are you determined to impose this 10% increase in premiums on drivers of this province?

Hon Mr Charlton: Again, the Leader of the Opposition has asked two questions. She's asked me whether I'm prepared to repeal the tax. I think that's a question she could more properly put to the Minister of Finance at some point. But she also asked me if I was prepared to repeal Bill 164.

It's time the Leader of the Opposition and the other members of this House started to understand some of the facts. Without the passage of Bill 164, without the passage of the cost control mechanisms contained in that piece of legislation, cost control mechanisms that were negotiated in a task force with the insurance industry and accident victims in this province, the costs of auto insurance in 1994 would have gone up between 10% and 15%. We've limited that increase, even with the tax, to far less than what their package would have imposed on the people of this province, and the insurance company executives in this province are prepared to say that publicly.

OPP INVESTIGATIONS

Mr James J. Bradley (St Catharines): I have a question for the Premier. On numerous occasions in this House, my colleagues and I have raised the issue of the government using the understaffed and often cash-strapped OPP as a political police force for the government of Ontario, a police force compelled to harass and intimidate opposition members and representatives of the news media as well as civil servants at the behest of your administration.

Yesterday, Richard Brennan of the Windsor Star and Jim Coyle of the Ottawa Citizen were interrogated in their offices in this building by the anti-rackets branch of the OPP about their acquisition of documents embarrassing to your government. Do you remember those documents? They were the documents that said the real aim of your casinos was to get at middle- and low-income people instead of the high rollers.

Mr Premier, this question is for you, not for anybody else. Why does your government continue to silence opposition to your administration with the use of the Ontario Provincial Police?

Hon Bob Rae (Premier): I can honestly say to the honourable member that I don't know the first thing about this—the idea that the OPP would carry out whatever investigation it would feel was necessary in whatever circumstances were there. I don't know what you're talking about.

Mr Bradley: Over the past several months the Ontario Provincial Police, on instructions from the Premier's government, has interrogated Liberal MPPs Murray Elston and Barbara Sullivan because they

received documents embarrassing to you and your government. That same Ontario Provincial Police has harassed members of the news media who have dared to be critical of your administration.

Interjections.

The Speaker (Hon David Warner): Order.

Mr Bradley: I know that you and your staff have complained bitterly about the coverage you have received in the popular media, and that's reflected in Detective-Sergeant Morris Elber's comment to Mr Brennan that says the following, "Oh yeah, you're the negative one."

I know that you have been concerned about that and that your handlers have been concerned about the kind of coverage that you've had, but do you not believe in freedom of the press, and do you not believe that this freedom is diminished by the police interrogation of reporters right in this building?

Hon Mr Rae: There's no stronger defender of freedom of the press than this Premier and this government. I would only say to the honourable member that I will take his question as notice and ask that there be some explanation provided. But I can honestly say to the honourable member that I have absolutely none.

Mr Bradley: I wish this were the first time this question was directed to the Premier, but it's one of many questions to the Premier. Since the government has introduced with a good deal of fanfare a bill called Bill 117, a bill which allows for whistleblowing provisions—in other words, civil servants allowed to pass information along without intimidation from the government—and since it states the following, that the boss—in this case, that would have to be the Premier who is the boss of all the government—cannot coerce, intimidate or harass, or attempt to coerce, intimidate or harass an employee who has done this, how can the Premier square what has happened to these two reporters and other reporters and members of the opposition with Bill 117, which says that employees should have the right to provide that information valuable to the public?

Hon Mr Rae: I can only respond to the honourable member that there's one thing in his question and in the way in which he's framed the question which I've said on other occasions when it's been asked, which I find truly offensive in the way in which he's framed the question—he's been around in this House long enough to know exactly what he's doing. I know exactly what he's doing and everyone knows exactly what he's doing.

The allegation that you are making that this Premier or that any member of this cabinet had anything to do with that investigation has absolutely no foundation. If you had an ounce of integrity, you'd stand up and say that there's nothing been directed at us. You have none.

The Speaker: New question, third party. The honourable member for Leeds-Grenville.

Interjections.

The Speaker: The member for Leeds-Grenville with his question.

1420

Mr Robert W. Runciman (Leeds-Grenville): I guess

the Premier forgets his comments during the Joan Smith affair, but in any event I'm going to ask the Solicitor General a question along these lines. The Premier indicated he knew nothing about this, yet he's quite certain that no one in his government had a hand in what took place, which is passing strange to say the least.

The Solicitor General is responsible for the Ontario Provincial Police in this province. I am assuming, Minister, that you are aware of the recent press reports in respect to the interrogation that took place of Mr Brennan and Mr Coyle. Can you indicate to the House and to the members of the public in Ontario just what crime the police were investigating?

Interjections.

The Speaker: Order. Will the member take his seat. The Solicitor General.

Hon David Christopherson (Solicitor General): Given the nature of the previous question, and I'll gladly take a further question from the honourable member, I think that an answer would more likely satisfy him should it come from the Minister of Consumer and Commercial Relations in this regard.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): It really is appropriate that I answer that question, and I think the Liberal member knew that when he asked the question as well. This is not the first time that this issue has come up in this House. If you will recall, a little while ago when the selection committee and the project team was in the process, in a very sensitive process, of selecting the final operator for the government-run casino, some documents went missing.

My deputy minister, who is the head of the casino project, was concerned, as she should have been, that these sensitive documents went missing and decided to ask the OPP to investigate not only why the documents were missing, but also to look at the security systems and make sure that they were adequate. In my view, it was the most appropriate action to take, given the sensitivity of the process at that time.

Interjection.

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Well, what would you do, Chris?

Mr Chris Stockwell (Etobicoke West): Well, it was a nothing document. The minister said so at the time. She said it was a nothing document.

The Speaker: Order, the member for Etobicoke West. The member for Leeds-Grenville has the floor.

Mr Runciman: At the outset in my supplementary I want to express concern about the minister responsible for the Ontario Provincial Police passing this question off. It appears there's no system of accountability in respect to these kinds of political investigations within the government, when the minister responsible for the police apparently was unaware of what took place here in terms of the facts of the case.

Going back to the minister who indeed answered the question in a totally unsatisfactory manner, she herself said this was an inconsequential meeting. She said that

the matters, when they were revealed by my House leader, were insignificant and unimportant. Yet she stands up in the House today and says that it's totally appropriate for her deputy minister to instruct the police to go into interrogations of members of the media. Some of the things they said in respect to the media I will get into in my final supplementary.

My question to the minister is, how in the world do you justify saying in this House to my House leader that those documents were insignificant and unimportant, and on the other hand say that this interrogation of members of the media was totally justified? How do you answer that?

Hon Ms Churley: To go back in history a little bit, what I said at the time about that document was that fortunately it turned out that the contents of that particular document did not in any way interfere with the integrity of the process which was taking place. However, the fact that the document went missing was of significant concern, given the sensitivity of the process. In particular, it was necessary to review the security of the process and also to try to find out how that document went missing. The OPP were called in to have a look at that. It is the responsibility of the OPP to determine who they interview in the course of their investigation, not the minister and not I.

Mr Runciman: My initial question was, what crime was suspected here? I don't think that's been adequately answered.

This appears to be a witch hunt to save the government some embarrassment. I want to say that it's an outrage, and I'm not saying that for political reasons. I am the critic for the Ministry of the Solicitor General. I know what's happening across the province in terms of policing. We don't have 24-hour coverage in many areas. You're closing down detachments in rural Ontario. Yet you've got police to do this sort of a job and your Solicitor General doesn't even know about it. Come on.

I want the minister to stand up in the House today and apologize to Mr Brennan, apologize to Mr Coyle, apologize to the people of Ontario for using the police for political purposes.

Hon Ms Churley: This has got to be one of the silliest, most ridiculous questions that we have ever heard in this House. I think the members opposite have a responsibility to their constituents and to the members in this House to at least ask reasonable questions.

His question is based not at all on the facts, and he knows it. He would be the first one to be screaming for us to abort the process that we were involved in for choosing the final operator had sensitive documents gone missing. He would be the first one to be crying that the process is lacking in integrity. He would be the first one. That party would be the first one to be calling on us to cancel the process.

We did the right thing under the circumstances. I'm happy to say that we have chosen the final operator. The process was aboveboard and everybody is talking about the integrity of that process. That was the most important aspect, that we keep the integrity and honesty of that

process in place.

The Speaker: New question, the leader of the third party.

Mr Michael D. Harris (Nipissing): So the documents leak had nothing to do with the process. They were only embarrassing to the government—

The Speaker: To whom is your second question is directed?

Mr Harris: —and for that we call in the OPP. The people being investigated—

The Speaker: Would the member take his seat, please. I recognized the leader of the third party in order to place the second question.

WCB STAFFING

Mr Michael D. Harris (Nipissing): My question is to the Minister of Labour. It is my understanding, Minister, that six senior executives at the WCB were fired earlier today. It's also my understanding that two individuals have already been promoted at the WCB to fill the vacant positions: Miss Linda Jolley and Miss Cathy Rellinger. Both of these women were former staff members of the OFL. Minister, can you confirm this information and tell us who was responsible for the decision to further politicize the management of the WCB?

Interjections.

The Speaker (Hon David Warner): Order. Perhaps the minister's colleagues would allow him to respond to the question.

Hon Bob Mackenzie (Minister of Labour): I'm surprised at the concern expressed by the leader of the third party. They seem to be after us almost on a daily basis to start doing things to try to meet some of the difficulties we have at the board. We've been doing exactly that.

The board makes the decision. I reject outright his contention that there was any political intent in any of the appointments. I want to tell him very clearly that the reorganization of the bipartite board responds to the recommendations of the report that came from the task force on service delivery and vocational rehabilitation, as well as the board's own operational plan.

Mr Harris: The WCB has an unfunded liability of \$12 billion. Businesses will have to close their doors or lay off workers because they can't afford the astronomical rate hikes you're bringing in.

Mr Anthony Perruzza (Downsview): What about the injured workers, Mike?

The Speaker: Order, the member for Downsview.

Mr Harris: Thank you, Mr Speaker. I know they're rowdy and tough to control, those NDP members.

Your hand-picked vice-chair has been in conflict with the Provincial Auditor over a \$180-million imperial palace.

1430

Mr Perruzza: What about respect for injured workers?

The Speaker: The member for Downsview is asked to come to order.

Mr Harris: Now we have six senior executives being replaced with NDP cronies.

Minister, what more has to happen before you finally wake up? Will you review the decision to promote your NDP friends and ensure that all promotions or changes at the WCB are based upon the principles of sound turnaround management and expertise and not a pork-barrelling carousel?

Hon Ed Philip (Minister of Municipal Affairs): If we did that retroactively, there'd be a lot more changes.

Hon Mr Mackenzie: Shut up.

I just want to say that I reject totally and find unfortunate the kind of attacks and character assassination that come from the leader of the third party. I want him to know very, very clearly that some members of senior management have notified the WCB vice-chair of administration of their intention to take advantage of the retirement, the 80 factor. Others have announced their intent to pursue other occupations. I want to tell him also very, very clearly that we don't make the changes there; they're made by the board. I want him to know also that the new senior management of the board will continue to enhance the board's commitment to continued improvements in service delivery, which was what was behind this, and financial and fiscal responsibility. It really is an organizational streamlining of the board, which I thought they'd been calling for for some time.

Mr Harris: Minister, I've been telling you for some considerable period of time that you need turnaround management at the WCB, and that means at the top. That means turnaround management at the top. Not only have you not done that, but your two most senior political hacks at WCB are further infusing politics into the entire Workers' Compensation Board. I'm telling you that it is time to quit playing politics at the WCB. Will you sack Mr Di Santo, will you sack Mr King before they do any more damage and will you bring in professional senior management with insurance executive expertise to replace these two political hacks at the top?

Interjection.

The Speaker: The member for Oxford, order.

Hon Mr Mackenzie: What this government is doing and what we're attempting to do now, in any way that we can help the board, is to see that we resolve some of the problems that have been there since his time and as well some of the deficit that's built up since his government was in power. I reject outright, and it's not even worthy of a response, to talk about those kinds of hacks who are put in these kinds of positions, because it simply isn't true and that's not the way we operate.

Mr Steven W. Mahoney (Mississauga West): My question is also to the Minister of Labour, following up on the question that he was just asked. I was interested to see the exchange when the Minister of Municipal Affairs said, and it will probably show in Hansard, that had it been retroactive, there would have been a lot more changes. The Minister of Labour turned to him and said, "Shut up." Interesting; I wonder what he's worried about.

Minister, this purge that went on this morning at the Workers' Compensation Board, we understand it was five

of the six senior vice-presidents who were purged. We think they're the wrong people. You purged the senior vice-president of finance, Bob Coke; you purged the senior vice-president of client services, Sam Van Clieaf; you purged the senior vice-president of human resources, Sig Walter. Two other vice-presidents, Henry McDonald and George Picken, were given the axe this morning. Your pal your former colleague Odoardo Di Santo replaced them with two of your colleagues, two long-time friends of the NDP. That is very clear.

Employer groups are calling this morning saying that they are concerned about these purely partisan appointments to the Workers' Compensation Board senior positions and that they fear they will have no more say in the goings on at the Workers' Compensation Board. Minister, how do you justify firing long-term loyal employees to put in place your own political supporters?

Hon Mr Mackenzie: I may owe my colleague an apology, but I'd just as soon not have the heckling from either side of the House when we're trying to answer serious questions.

I simply want to say to the member across the way, that you only have to be a member responsible for my ministry in this House to know that one of the issues that has been raised in this House for some 15 or 20 years, and has been a problem, is the Workers' Compensation Board. That is something we are now trying to deal with. Both the officers who are now leaving for other purposes and the current officers who are there, I am convinced, are doing the best they can to try to turn this around. I think some real progress is being made.

I want to put the recommendations specifically again, the reorganization response to the recommendations in the report from the task force on service delivery and vocational rehabilitation, as well as the WCB's own operational plan. I think they're on the right track.

Mr Mahoney: Minister, we're going to be interested to find out what the financial implications are to letting five senior vice-presidents go on a Thursday morning just out of the blue. We're also going to be very interested to see the position develop of the partisan hack you've appointed now as a vice-president in charge of strategic policy and implementation, human resources and client appeals. It appears that Linda Jolley will not only be the gatekeeper for the OFL; she'll be superwoman at the WCB.

Minister, the fact of the matter is that Odoardo Di Santo is purely politicizing the senior people at the Workers' Compensation Board, just as you have already done in government with the appointment of David Agnew, Michael Decker, Jeff Rose and others. Since you've taken office, we have seen the blatant, continuing politicization of the Ontario public service, and now you are politicizing the WCB at the highest level.

Minister, the question is very simple. There is no confidence in the Workers' Compensation Board; there is no confidence in your chairman, Odoardo Di Santo. How can you expect business and employer groups to have any confidence in the administration of the WCB with these further appointments, and what does appointing your political friends have to do with addressing the real

workers' compensation issues of 25%-plus rate increases and a \$13-billion unfunded liability?

Hon Mr Mackenzie: Every time I hear about this unfunded liability, which is one of the problems that I'm the first to admit to, it seems to go up by another \$1 billion. I would say it's \$11.4 billion, not \$13 billion.

Mr Chris Stockwell (Etobicoke West): It was \$11.4 billion in 1992, Mr Speaker.

The Speaker: The member for Etobicoke West.
1440

Hon Mr Mackenzie: I find it strange that the opposition is usually telling us that we're not doing anything. They seem to be arguing now for the status quo when we are trying to make serious efforts—

Mr Mahoney: Fire Di Santo.

The Speaker: The member for Mississauga West.

Hon Mr Mackenzie: —to get a hold of the problem at the board. That's exactly what we're doing—

Mr Mahoney: You fired the wrong people. You put hacks in charge.

The Speaker: The member for Mississauga West, come to order.

Hon Mr Mackenzie: —and exactly what we intend to continue to do.

Interjection.

The Speaker: Order. The member for Downsview is cautioned. Come to order.

ACCOUNTING PRACTICES

Mr W. Donald Cousens (Markham): My question is for the Minister of Finance. Yesterday, the day after the Provincial Auditor raked your government over the coals for its permissive accounting policies, the credible and widely circulated investment newsletter published by High Frequency Economics noted that last year's provincial deficit was \$12.4 billion, not the \$11.9 billion reported by you.

As reported in today's Toronto Star, the editor of the newsletter went on to say: "We believe this recasting of history must raise the starting point for estimating this year's fiscal deficit. Ontario's creditworthiness remains a ticking time bomb just waiting to explode."

Before this bomb blows up in your face and blows our credit rating out of the water, would you tell us if you remain the only person in this House or in this province or in the international investment community who believes that the deficit for this fiscal year is the \$9.5 billion as reported in the second-quarter update, or would you care to share with the House a revised estimate that has at least some connection with reality?

Hon Floyd Laughren (Minister of Finance): We have said all along that the Provincial Auditor's requests would be complied with. I said it to him personally at a meeting, I put it in writing to him and, as a matter of fact, he expressed in his report his appreciation of our response to his request.

Secondly, he admitted in the report that changing an accounting system, which he is asking us to do, asking us to change from the way the Conservatives did it previous-

ly and the Liberals did it previously to a new system of accounting, is an arduous and time-consuming task. I agree with that. We've said to him, and he understands better than you do, I think, that we are indeed moving to the way he wants us to report our financial statements. You will indeed see that happen. I think you'll understand it as long as you don't spend too much time taking advice from the member for Etobicoke West.

Mr Cousens: I understand a lot of things. I know I asked a question a minute ago and you didn't answer it. That's what's happening around here. I'm asking you to own up and admit to the fact that this \$9.5-billion proposed deficit really isn't the case. I gave you a chance just now, before I started to go after you, to come along and tell us the truth, because no one is fooled by your creative accounting. The taxpayers aren't fooled, the member from Etobicoke isn't fooled, the public isn't fooled, the international investors aren't fooled.

Earlier today, my office spoke to the author of the newsletter and he told us that there are concerns over this government's ability to manage the problem and that the downgrade of our credit rating we just had was really the first warning that this government has to clean up its act.

We're in a sinking boat. It's filling up with water. There are so many leaks that you can't bail fast enough to keep this government afloat. Don't blame the federal government if it comes along with a big speedboat and gives you a little wave to deal with. The ship of state in Ontario is in trouble. Ontario is facing a serious financial crisis. When will you gain control of Ontario's financial situation and provide us and the entire investment community with a solid action plan?

Hon Mr Laughren: I must say I was aware of the report to which the member for Markham refers. I would like to offer him some serious reassurances that when we took a look at the Ontario finances about a year ago now and into the spring of 1993, we were very much aware that we were headed for real difficulty with the size of the Ontario deficit. It was indeed going to go to about \$17 billion this year. We said that is completely unacceptable; that is not the level of deficit which this province and its taxpayers can sustain.

That's why we have put in place an expenditure control plan that took \$4 billion out of committed spending for this year, why we invoked the Social Contract Act to save \$2 billion on public sector compensation and brought in tax increases, which I know you didn't like but which at the same time raised almost \$2 billion.

By doing that, we are putting Ontario on a sound financial basis, with a revenue base that will allow us to continue to provide the essential services in health care, education and other public services that we think the public in this province deserves.

BENEFITS FOR OLDER WORKERS

Mr Gary Malkowski (York East): My question today is for the Minister of Labour. On November 5, I met with a group of injured workers from my constituency who are disabled from their occupations and have at best a small pension from the Workers' Compensation

Board. This group is here today in the public gallery. These people are living in poverty, relying on Canada pension plan disability or on welfare for survival. They told me that the Premier's Labour-Management Advisory Committee has broken down and will not propose changes to the Workers' Compensation Act.

In order to relieve the poverty of injured workers living on old-age pensions or deemed wages, will the Minister of Labour introduce a bill now to amend the Workers' Compensation Act, an amendment which would increase the pensions of older injured workers in order to relieve some of the poverty while the government grapples with the long-term problems of comprehensive reform of this system?

Hon Bob Mackenzie (Minister of Labour): I do appreciate the question. It's a serious one, because what the member for York East has indicated is one of the real concerns out there in the constituent community of the Workers' Compensation Board: the question of older workers' pensions. There is a group of workers who are at the bottom end of the ladder in terms of the pensions and who are not receiving anywhere near a living wage and are not likely to be able to work again.

One of the things we tried to do with the PLMAC was to call together the business leaders as well as the union leaders and present two or three of the key problems—the older worker pension was one of them; the unfunded liability was another—to see if we could reach some agreement. That process, while not finished, does not offer an awful lot of hope at the moment of being successful. We still haven't had the formal report back from the labour side. We've heard from the business side: It dealt with the unfunded liability but not with the question of older workers' pensions; indeed, the recommendations there were ones of cutting benefits that currently exist.

What we are trying to do now is see if there is some way to put together a package or whether we have to go out for a broader investigation of this whole issue. The decisions on that are decisions the government will have to make in the very near future.

1450

Mr Malkowski: Will the Minister of Labour then include in that bill an amendment to the Workers' Compensation Act that will effectively eliminate deeming, a job the minister announced he was setting out to do in his statement to the Legislature on December 19, 1990, because it in essence punishes those who need help the most.

Hon Mr Mackenzie: I guess to a large extent that depends on whether or not we can bring the parties together on any kind of agreement on some steps that might be taken, or whether we will end up having to look at something like a royal commission. We are still struggling with that issue and attempting to come in with some recommendations that would not see us having to wait till we got such a commission report, which might take a year or two.

LAYOFF OF CLAIMS INSPECTORS

Mr Frank Miclash (Kenora): My question is to

Minister of Northern Development and Mines. We have been made aware of some information which questions your integrity and conduct. You have recently come under attack for your decision to lay off eight ministry claims inspectors. To defend yourself, you told the media that the decisions were made after consultations with the mining industry, but your own ADM has admitted that there were actually never any consultations made.

This is the second time you have been accused of making false statements to protect yourself from public criticism. Can you tell the House how you reached the decision to lay off eight claims inspectors from your ministry, and who were the ministry officials you consulted with before this decision was made?

Hon Shelley Martel (Minister of Northern Development and Mines): Yes, I certainly can, and I thank the member for the question. There are several things I want to say.

First of all, since I've been here, I've made it a point with the political staff and the bureaucratic staff to discuss with our mining clients on a ongoing basis their needs, both with respect to these difficult times and some of the priorities that the ministry should have in responding to those same needs. Some of those client groups include the OMA, the PDAC, OMEP, Save our North, and my own Mining Act advisory committee.

As a consequence of those discussions, we have internally a very clear understanding of what programs and what policies are essential for our mining clients and those which, when faced with difficult economic times, we feel we can do without and our clients can do without.

During the ECP process, based on that internal knowledge we have, I made the decision that we needed to protect our OGS mapping, for example, the OPAP and OMIP grants, and that the mine claims inspection program which was referred to in the article did not have a requirement to have dedicated staff but that those staff could do other things within the ministry and still maintain disputes.

Normally, as with any other change we make in the ministry, we choose a select group of staff and clients that we have confidence in to give us an accounting of whether or not those changes can work. In this case, with respect to this program, I am advised, as a consequence of the article which appeared, that this did not happen due to the request of confidentiality that myself and every other minister had with respect to the ECP changes.

The Speaker (Hon David Warner): Would the minister conclude her response, please.

Hon Miss Martel: The point I want to make is that based on the fact that we had to make cuts, there were a number of areas we felt we could not change. There were some we thought we could, which would be the least difficult for our clients, and the mines inspection claims program is one of those.

Mr Miclash: You have admitted that there was no consultation. This issue is about your government's standards and about what is acceptable behaviour of you and other ministers of the crown.

The facts of the matter are quite clear. On October 25, the Timmins Daily Press quotes you as saying, "We have made these cuts after consulting with the industry, and we think these are the kindest cuts we could have made," but in the December issue of Northern Ontario Business, your ADM, John Gammon, said no consultation took place. He says: "I wish that I had had the opportunity to do that. I frankly couldn't consult with my staff either. As you can imagine, rumours were flying thick and fast. The nature of the exercise is not one that allowed for consultation." Your assistant deputy minister said that after you said to the press that you had consulted. We have also checked with the Ontario Mining Association, which has confirmed that there was absolutely no consultation before the announcement.

Minister, has the Premier now given you carte blanche to say whatever you want without any reference to the truth? How can the public have confidence in anything you or your government have to do or say from this point on?

Hon Miss Martel: I think I made it very clear in my first response to the member what happened, and I'll repeat it again. We know, after at least a year and a half of my being here, because I consult with my client groups on a regular basis and because my political staff and bureaucratic staff do, what programs we can look to cut if we have to and what are the programs, policies and functions that are invaluable to our client groups that they cannot live without.

During the ECP process, that knowledge we have in the ministry of what we can live with and what our clients can live with and what they cannot live with was used to determine which cuts we should make. During any other process we have in terms of changing our legislation or making changes to programs, we have a select group of ministry staff and of clients that we run those changes by in order to get their best view of it.

In this case, we did not do that with respect to this program—

The Speaker: Could the minister conclude her response, please.

Hon Miss Martel: —because of the nature of the cuts and the request for confidentiality for all the cuts that were to be made. I regret that was the process that was used, but I made the determination, based on all the knowledge I have of my client groups—

The Speaker: Would the minister please conclude her response.

Hon Miss Martel: —that a cut in this program was the best thing we could live with, given the cuts we had to make, and the best thing the industry could live with, given the cuts we had to make.

AUTOMOBILE INSURANCE

Mr Charles Harnick (Willowdale): My question is to the minister responsible for automobile insurance. Minister, there's an ad running on the radio now, sponsored by Kingsway General Insurance Co, and it says that after January 1 a new auto insurance plan is coming to Ontario. The ad tells people that if they're injured in an accident after January 1 they will not be able to claim

any longer for their loss of income. The ad goes on to say that if someone is killed in an accident, their family will not be able to claim for the loss of income that's sustained by reason of the fatal injury. The ad is predicated upon the fact that all you get is whatever the accident benefits pay you.

The ad goes on to say that if you purchase extra coverage, it might cost you as little as \$36 a year to protect any income that you might lose. I assume that is the economic loss endorsement, and I wonder if you could confirm that and explain how that plan will work.

Hon Brian A. Charlton (Chair of the Management Board of Cabinet and Government House Leader): Let me start my response by saying that although I haven't heard the ad myself, I assume the member opposite is correct. The additional coverage which the ad is referring to is, in my view, nothing other than the excess economic loss endorsement which the insurance industry and the legal community in this province sat down and worked out at my request over the course of the last several months, which we've now put into the regulation that will be implemented on January 1.

That excess economic loss endorsement will allow people whose incomes are rather large, beyond the range that's fully covered by the legislation of \$1,000 a week, to purchase additional coverage. But people should be extremely clear before they go running out to buy that coverage that 95% of the people in this province are fully covered by the basic plan up to \$1,000 a week in terms of income levels. This economic loss endorsement was for those whose incomes would leave them perhaps at risk because they were far above the basic coverage in the plan.

1500

Mr Harnick: It's my understanding that in addition to that, this will cover children who might be very badly injured in accidents, who lose their competitive ability to work and to earn the potential they would have had, had they not been injured.

What concerns me, Minister, is the fact that if someone's on their way to a new year's party on December 31 and unfortunately is involved in an accident, they will be treated in a different way from someone on their way home from the new year's party who is injured in an accident.

What I'm concerned about is that no one in this province seems to know that on January 1 we have a new insurance scheme that is going to provide new kinds of benefits, including the excess economic loss. What I'm wondering is whether you as minister plan to inform the province by way of radio ads, television ads or newspaper ads that we do have a new plan, that we do have coverage for excess economic loss in the event of a fatality or loss of income, or that will cover children who are catastrophically injured in serious accidents. I'm wondering if you can tell us what plan you propose to implement to inform the public of the new insurance scheme, including the excess loss endorsement.

Hon Mr Charlton: The member raises an important question. In terms of the information that's being pre-

pared for the public, it's proceeding on a number of fronts. The member mentioned media advertisement. There will be some media advertising in the newspapers and in other forms of media. But in addition to that, the insurance commission has been working with the insurance industry to agree on inserts that will be in the renewals that go out to people over the course of the weeks and months ahead. Not only will there be advertising, which some people do and others don't see; there will be specific information available to people in the renewal packages, information which has been agreed on between the industry and the insurance commission itself.

HIGHWAY SAFETY

Mr Len Wood (Cochrane North): My question is to the Minister of Transportation. The Highway 11 corridor is the main transportation link in Cochrane North, connecting Cochrane, Smooth Rock Falls, Kapuskasing, Hearst and several other smaller communities. It is also the only highway accessible to these communities for transporting industrial and household goods.

There have been many concerns raised with the frequency of vehicular traffic accidents and fatalities along these roads. The mayors and reeves and some of the school boards have written me letters and phoned me and asked me if I could raise this with the Ministry of Transportation: Are there any immediate plans to upgrade or widen Highway 11 to address these safety concerns?

Hon Gilles Pouliot (Minister of Transportation): I appreciate the concern and the representation by the spokesperson, ombudsman, representative of that special part of Ontario. I'm a neighbour, by way of political geography, of my good friend Mr Wood, who diligently, almost on a daily basis, reminds me of what the reeves and mayors and citizens in his special part of Ontario, in our special part of Ontario have been saying.

The focus here is between the township of Hearst and the city of North Bay. We wish we had the possibility to four-lane, to six-lane. The traffic patterns and volume do not warrant it, but what we're committed to doing to reduce not only fatalities but the chance of accidents is to put a system in place, physically build 29 passing lanes at nine-kilometre intervals and to do all that before 1998.

We have shovels in the ground. Count them. They're happening in a neighbourhood near you right on Highway 11 between Hearst and North Bay.

Mr Wood: My concern is, what are the construction plans that can be announced at this time?

Hon Mr Pouliot: The truth is often found in simplicity or by way of a simple, direct answer. This project is not sponsored by the Ministry of Transportation. He's just made the announcement. He's talking about \$600,000.

Mrs Elinor Caplan (Orillia): Get the hook.

Hon Mr Pouliot: You'll get a refund.

He's talking about 29 passing lanes. Those announcements are following through. They're happening this summer, the next construction season, for the next five years at different intervals. We're consistent. It's a reasonable cost. It shall be done.

ONTARIO HYDRO

Mr Murray J. Elston (Bruce): I have a follow-up question from yesterday to the Deputy Premier concerning Ontario Hydro. I know that in relation to his accessing the teachers' pension funds, there was a re-evaluation of some non-marketable assets into a marketable value so that he could increase the value of that pension plan. I understand that currently studies are going on inside Hydro so that it can access pension plan money as well to assist it in stabilizing it in its financial situation.

I ask the Deputy Premier, does he support that plan by Hydro to access pension plan funds to allow it to stabilize Hydro the way he has tried to use teachers' pension funds to stabilize his government's finances?

Hon Floyd Laughren (Deputy Premier): You're not going to trick me with that question. Ontario Hydro is looking at a number of proposals to try to stabilize their financial situation. As the member would understand better than most because of his ongoing interest in Ontario Hydro, there are a number of possibilities it can use, because there is a considerable write-off of certain assets of Ontario Hydro.

The Hydro board will meet next Monday, and Ontario Hydro will at that time, I understand, be considering a number of options open to it. But I can tell the member that none of those options have come to me at this point.

The Speaker (Hon David Warner): The time for oral questions has expired.

Hon Evelyn Gigantes (Minister of Housing): I'd like to ask for unanimous consent of the House to inform members of the Legislature about a fire that occurred in a unit of the Wellington and Guelph Housing Authority.

The Speaker: Do we have unanimous consent? Agreed.

HOUSING PROJECT FIRE

Hon Ms Gigantes (Minister of Housing): Last evening, there was a fire at around 11 o'clock in a unit of the Wellington and Guelph Housing Authority which took the lives of three people, a mother and two small children.

The fire is being investigated currently by the fire marshal, the police and Union Gas to determine the cause, which is not known at this time, and also to determine whether the smoke detectors were operative at the time of the fire. The ministry is providing support through the technical support services branch.

MOTIONS

HOUSE SITTINGS

Hon Brian A. Charlton (Government House Leader): First of all, I seek consent to deal with a motion regarding the extension of the sitting beyond today.

The Speaker (Hon David Warner): Do we have consent? Agreed.

Hon Mr Charlton: I move that notwithstanding standing order 6(a)(2), the House shall continue to meet commencing Monday, December 13, 1993.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

ORDER OF BUSINESS

Hon Brian A. Charlton (Government House Leader): There are two other matters around which I seek consent. They are matters that come out of the House leaders' discussions this morning. First of all, with regard to Bill 31 and Bill 120, both of which we'll be calling throughout the course of the day today, at the point at which the debate on those pieces of legislation ceases and a vote is called, we have agreed that the House will see, and the Speaker will see, a division and that the votes on both of those matters will be deferred until before orders of the day on Monday.

The Speaker (Hon David Warner): Understood? Agreed? Agreed.

PETITIONS

MINISTER OF NORTHERN DEVELOPMENT
AND MINES

Mr Frank Miclash (Kenora): I have a petition to the Legislative Assembly of Ontario and it reads:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Whereas the Minister of Northern Development and Mines has indicated that she consulted with members of the mining industry regarding the termination of eight claim inspectors at the Ministry of Northern Development and Mines; and

"Whereas the assistant deputy minister has indicated that no such consultation has taken place; and

"Whereas this set of circumstances is consistent with previous actions of the minister in the past;

"We, the undersigned, call upon the Premier of Ontario to investigate the inconsistent remarks made by the Minister of Northern Development and Mines and the assistant deputy minister forthwith."

1510

NATIVE CHILDREN'S SERVICES

Mr Robert W. Runciman (Leeds-Grenville): I have a petition addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"In an outcry for the unnumbered Ted Bellingshams, we petition for changes to the legislation which governs children who are wards of the children's aid society by making child welfare systems and agencies responsible for the safety and wellbeing of these children until they are 18 years of age or they have had a court hearing in which wardship has been relinquished."

This is signed by over 1,200 residents in the province of Ontario and I'm affixing my signature as well.

SEXUAL ORIENTATION

Mr Kimble Sutherland (Oxford): I have two petitions that I'm going to read as one because they are related. They were sent to me by the Reverend Jim Sanderson of the First Baptist Church in Ingersoll in my riding. They are signed by the same people. The one is opposing Bill 45 and the other petition is opposing Bill 55.

Mr Charles Beer (York North): I have a number of

petitions from members of the King Bible Church and Grace Church requesting that Bills 55 and 45 be withdrawn. On their behalf, I present these petitions signed by several hundred persons.

NATIVE CHILDREN'S SERVICES

Mr Robert W. Runciman (Leeds-Grenville): I have a petition addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"In August 1992, in Smiths Falls, Ontario, Canada, a 16-year-old youth was kicked and punched to death. At least four people witnessed the murder but did not report it. One year later, an anonymous call led police to a shallow grave where the boy's remains were found. These witnesses cannot be charged as there is no existing law that requires witnesses to report a murder they are witness to. We disagree and are requesting an amendment to the Criminal Code where witnesses to murder are legally responsible for reporting."

Over 1,300 residents in the province have signed this and I'm affixing my signature as well.

SEXUAL ORIENTATION

Mrs Karen Haslam (Perth): I have three particular letters here, all dealing with Bill 45, the Liberal private member's bill, and Bill 55, the Tory private member's bill. They are signed by Annelie McCreight from Mitchell, Pauline Walkolm from Stratford and Joy Gould from Stratford.

Since they all are a selection of petitions dealing with the same one, I'd like to put them in as one. Ms McCreight has 552 signatures opposing Bill 55 and 513 signatures opposing Bill 45. There are no numbers for Ms Walkolm's or Joy Gould's, but they all read the same. I will read them.

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 55 will make it illegal for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation (still undefined). This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion, against historical Christianity which does not condone homosexuality.

"We want to maintain our basic right to disagree with homosexuality, which in no way should be equated with hatred.

"We have moved away from a position where some homosexuals and other special-interest groups are no longer content to express their ideas but are demanding that contrary views be suppressed with stiff penalties.

"At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classrooms, thereby proselytizing children with their viewpoints without allowing for differing opinions.

"Therefore, we request that the House refrain from passing Bill 55."

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it. We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and may include sadomasochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all such references to sexual orientation should be removed from the Ontario Human Rights Code and Bill 45.

"Therefore, we request that the House refrain from passing Bill 45."

EDUCATION FINANCING

Mr Tony Ruprecht (Parkdale): I have a petition:

"Whereas all students are entitled to the same educational resources, regardless of where they live or which school they choose to attend; and

"Whereas most Catholic school boards and rural school boards do not have the assessment base of their public school or urban school board counterparts; and

"Whereas these assessment-poor schools are able to spend far less on each of their students than assessment-rich boards,

"We, the undersigned, petition the Legislative Assembly of Ontario to act now and restructure the way in which municipal and provincial tax dollars are apportioned so that Ontario's schools are funded not only fully but with equity and equality."

I will affix my signature to the bottom of this petition.

ANIMAL SHELTER

Mr Robert W. Runciman (Leeds-Grenville): I have another petition from Leeds and Grenville from a significant number of petitioners. I don't have an exact count. In essence, they're calling on the provincial government, through the Ministry of Consumer and Commercial Relations, to assist in the re-establishment of an animal shelter for Leeds and Grenville. These are individuals very much concerned about the closure of the animal shelter in Leeds and Grenville.

SEXUAL ORIENTATION

Mr Pat Hayes (Essex-Kent): I also have two petitions on Bill 45, the one that was introduced by the Liberal member for St George-St David, and on Bill 55, which was introduced by the Conservative member for Markham. They read:

"To the Honourable Lieutenant Governor and Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be enormous negative

impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and may include sadomasochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all references to sexual orientation should be removed from the code."

"Bill 55 will make it illegal, with fines up to \$50,000, for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation. This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion, against historical Christianity, which does not condone homosexuality.

"We want to maintain our basic right to disagree with homosexuality, which in no way should be equated with hatred.

"We have moved away from a position where homosexuals and other special-interest groups are no longer content to express their ideas, but are demanding that contrary views be suppressed with stiff penalties.

"At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classrooms, thereby proselytizing children with their viewpoints without allowing for differing opinion.

"Therefore, we request that the House refrain from passing Bill 45 and Bill 55."

FRENCH-LANGUAGE EDUCATION

Mr Carman McClelland (Brampton North): I have a petition signed by some 1,432 individuals, principally from the region of Peel but also from Renfrew and other parts of the province. The petition is with respect to French-immersion programs. It says:

"We, the undersigned, as concerned parents and students, petition the government of Ontario to mandate French-immersion education in regions where the program is presently offered. Without such action, existing students are placed at risk with respect to changing local school board policies and temporary budget constraints.

"Further, young families continually face uncertainty with respect to French-immersion availability in the future in their region. Where sufficient demand exists, equality of access to education must be assured across Ontario.

"We petition the government to act immediately to prevent erosion of the French-immersion program in regions where the program exists."

Madam Speaker, I affix my signature to it and state for the record that my son is also involved in a French-immersion program of the general nature. I signed it without any conflict, as you well understand. In fact, I'm in full support of this petition.

1520

SEXUAL ORIENTATION

Mrs Dianne Cunningham (London North): I have two petitions, one with regard to Bill 45, the bill that was introduced by Mr Murphy, the Liberal member for St George-St David.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and may include sadomasochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age, sex, we believe all such references should be removed from the code."

We have literally hundreds of petitions and they're signed by citizens all over the city of London and in many areas of Middlesex county.

The second one is Bill 55, which was introduced by the Conservative member for Markham, Mr Cousens. He has since withdrawn it, but I feel it's my responsibility to read it into the record.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition to the Parliament of Ontario as follows:

"Bill 55 will make it illegal, with fines of up to \$50,000, for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation, still undefined. This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion, against historical Christianity, which does not condone homosexuality.

"We want to maintain our basic right to disagree with homosexuality, which in no way should be equated with hatred.

"We have moved away from a position where some homosexuals and other special-interest groups are no longer content to express their ideals, but are demanding that contrary views be suppressed with stiff penalties.

"At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classroom, thereby proselytizing children with their viewpoints without allowing for differing opinions."

These petitions are also signed by literally hundreds of

residents of the city of London and within the county of Middlesex.

Mr Kimble Sutherland (Oxford): I have another petition. This one was sent to me by Jan Vickers. It has 50 names and it's similar to the petitions that have already been read out by several members this afternoon opposing Bill 45 and Bill 55.

WASTE MANAGEMENT

Mr Ron Eddy (Brant-Haldimand): To the Legislative Assembly of Ontario, a petition:

"Whereas the Ministry of Environment mandates that all municipalities (whether upper- or lower-tier) which require to expand or relocate municipal sanitary landfill sites must conduct a waste management environmental assessment study; and

"Whereas it is the policy of the Ministry of Environment to assist in funding these studies at the upper-tier level of local government only; and

"Whereas of the 830 municipalities in Ontario, only 39 are upper-tier municipalities organized at the county or regional level;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the Ministry of Environment to cease this discriminatory policy and give funding assistance to all municipalities that are required to conduct a waste management environmental assessment study, and that this funding be made retroactive where applicable."

I affix my signature. It contains 274 signatures.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr Beer from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 100, An Act to amend the Regulated Health Professions Act, 1991 / Projet de loi 100, Loi modifiant la Loi de 1991 sur les professions de la santé réglementées.

The Acting Speaker (Ms Margaret H. Harrington): Shall the report be received and adopted? Agreed.

Pursuant to the orders of the day, dated November 24, 1993, and also December 7, 1993, this bill is ordered for third reading.

INTRODUCTION OF BILLS

FINANCIAL SERVICES STATUTE LAW
REFORM AMENDMENT ACT, 1993LOI DE 1993
PORTANT RÉFORME DE DIVERSES LOIS
RELATIVES AUX SERVICES FINANCIERS

On motion by Mr Laughren, the following bill was given first reading:

Bill 134, An Act to revise the Credit Unions and Caisses Populaires Act and to amend certain other Acts relating to financial services / Projet de loi 134, Loi révisant la Loi sur les caisses populaires et les credit unions et modifiant d'autres lois relatives aux services financiers.

The Acting Speaker (Ms Margaret H. Harrington): Does the minister wish to make some brief remarks?

Hon Floyd Laughren (Minister of Finance): Very briefly, Madam Speaker. The Financial Services Statute Law Reform Amendment Act is an omnibus bill that updates acts covering three parts of Ontario's financial services sector.

It amends the Credit Union and Caisses Populaires Act to allow Ontario's credit unions and caisses populaires

more powers. It also reforms the Insurance Act to provide a framework to modernize rules governing life insurance agents.

The third part amends the Securities Act and the Toronto Stock Exchange Act and the Toronto Futures Exchange Act concerning the regulation of Ontario's securities industry.

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Thursday 9 December 1993

Journal des débats (Hansard)

Jeudi 9 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers



Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Thursday 9 December 1993

Report continued from volume A.

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ORDERS OF THE DAY

Hon Brian A. Charlton (Government House Leader): Madam Speaker, Just before I call the order, I'm going to be calling Bill 79 and I believe we have an agreement, so I seek consent to divide the time in the debate for two hours equally among each of the three parties.

The Acting Speaker (Ms Margaret H. Harrington): Do we have agreement to divide the time? Agreed.

EMPLOYMENT EQUITY ACT, 1993

LOI DE 1993 SUR L'ÉQUITÉ
EN MATIÈRE D'EMPLOI

Ms Ziemba moved third reading of Bill 79, An Act to provide for Employment Equity for Aboriginal People, People with Disabilities, Members of Racial Minorities and Women / *Projet de loi 79, Loi prévoyant l'équité en matière d'emploi pour les autochtones, les personnes handicapées, les membres des minorités raciales et les femmes.*

Hon Elaine Ziemba (Minister of Citizenship and Minister Responsible for Human Rights, Disability Issues, Seniors' Issues and Race Relations): This is a very important day for all working people in the province of Ontario. Today we proceed with third reading of Bill 79, the Employment Equity Act.

The purpose of this legislation is to provide equality of opportunity and equitable treatment for all groups in our society who have, for far too long, faced barriers to their equal participation in the workplace; that is, aboriginal people, people with disabilities, members of racial minorities and women. But when it is implemented, Bill 79 will improve the working lives of all Ontarians.

Since our government took office three years ago, we have been clear about the direction we must take to put Ontario back on the road to prosperity. From the beginning, we have followed the course of economic renewal and social justice. From the beginning, our goal has been a society in which all people are treated fairly and equitably, a society in which all people share in our prosperity and a society in which all people share in the work of creating that prosperity.

Economic renewal and social justice work hand in hand, and they are inextricably linked by employment equity. For it is through employment that people especially have an opportunity to make their contribution to society as a whole, and it is through equity in employment that society ensures the full participation of all its people.

Economic growth and prosperity must develop at the same time that we create a fair and better society. They are complementary goals. They support each other. The two are, and must be, interdependent.

How does employment equity help us achieve these goals? By being a tool to help us make the best use of our most valuable resource, our human resources; by

being a tool we use to maximize the skills, talent, expertise and experience of everyone in the labour force; by being a tool to ensure that the process of recognizing skills and capabilities is inclusive and free of discriminatory barriers.

For if certain employment policies and practices prevent us from seeing and using all the talents that are available to us, then they are also preventing us from realizing opportunities both at home and in markets abroad. We cannot afford to do that. We cannot afford the economic cost and we cannot afford the social cost. Wasted talents cost dollars and cents. Wasted lives harm our entire social, political and economic fabric.

Our government is building up an investment portfolio as we work to restore and renew Ontario. We're investing in education and training. We're investing in the environment and the province's infrastructure. In every case, we are investing in people.

Employment equity will help ensure that everyone will reap the benefits of these investments. We have brought forward legislation that will make employment equity mandatory in Ontario workplaces.

The bill we are debating today is the most progressive of its kind in North America. Certain components of it are unique; for example, the joint responsibility provisions that will bring employers and bargaining agents together to develop and plan employment equity programs. The link between economic renewal and social justice is recognized by a number of employers, employer organizations and trade unions in Ontario, and this is why a number of them are already putting some form of employment equity to work in their organizations.

Some employers have been required to do so because they are federally regulated companies, and others have clearly profited from the benefits that employment equity brings to an organization, to its employees and to its clients and customers. As some of these organizations told us during public hearings of the standing committee on administration of justice, employment equity works. It makes good business sense. You can be sure that they would not invest valuable time, money and effort in it if it did not.

Why does it work? Here's an employer's explanation. This is what Robert Sutherland, executive vice-president, human resources, for the Royal Bank of Canada, says about the effect employment equity has on his corporation: I'm quoting from Mr Sutherland now.

"The entire organization wins with the infusion of new ideas, a broader perspective, better decision-making and greater sensitivity to all the cultures and groups that we serve. We gain access to broader markets and greater insight into product development.... The effects of employment equity on the Royal Bank have been very beneficial."

What does Mr Sutherland answer to those who say, as some have, that employment equity threatens the merit principle? Mr Sutherland responds by saying:

"The merit principle is alive and well in the Royal Bank and other firms currently applying employment equity on a national scale.... You begin by hiring the most qualified. You just extend the talent pool wider."

You extend the talent pool wider: This is the heart of the matter. This is what employment equity is all about.

Employment equity ensures that all groups that make up our society can fully participate in our workplaces. So when you extend the talent pool wider, you are really hiring, training and promoting people on the basis of merit. You're no longer overlooking the significant skills and talents that members of the designated groups have to offer. You're looking beyond their race, gender or actual or perceived disability.

Achieving equity doesn't mean treating everyone in the same way. Employment equity means, rather, that we recognize people's different experiences and needs, and adapt our workplace practices accordingly. It might mean, for example, that employers implement flexible working arrangements to accommodate the different people who make up their workforces, such as working parents. By using these kinds of employment equity measures, we recognize and allow for diversity in the workforce.

When you extend the talent pool wider, you improve your access to all of the available skills you may be looking for. When you have better access to available skills, you improve your ability to achieve excellence.

The Royal Bank has clearly understood this, and so have the other employers, trade unions, designated groups and other organizations with whom we have consulted for more than two years in the process of developing Bill 79 and the draft regulations.

I want to take this opportunity now to acknowledge once again the contribution that these organizations and individuals have made, for it has been considerable. I see in the various galleries this afternoon that we have many representatives from labour organizations, from business and from the designated group members. I want to thank you all individually, as I have this opportunity, for the contribution that you have made to Bill 79. You have been incredible. And of course to our Employment Equity Commissioner, Juanita Westmoreland-Traoré, for her leading vision in this bill, thank you very much, Juanita.

Every important piece of legislation has a long history. An incredible amount of work is involved, and people both internal and external to the public service give a significant amount of professional time, and often their own time, to its development. The commitment required and the commitment people give is tremendous.

The many organizations and individuals involved in employment equity have come to the table with different, complex and sometimes conflicting interests. Bill 79 has been debated vigorously. I'm in favour of this kind of debate. I think it's not only healthy but necessary, and very productive. It is almost never possible on a public policy of this magnitude to satisfy everyone. You go into the debate on an issue like employment equity knowing that from the start, but you have a responsibility to the people of the province to consider all perspectives and finally to make a decision based on what you believe it

is important to achieve and what you have learned from your consultations.

As I have said many times since the beginning of the consultation process on employment equity, the government knew that we wanted to develop legislation that was fair, effective and workable. It had to be practical for the people who will implement it and it had to achieve real results for the designated groups.

Effectiveness and workability have been the focus of our special advisory groups, our consultations, our meetings, our testing, our modelling, the public hearings of the justice committee, and the 700 or so submissions that my ministry and the Employment Equity Commissioner's office have received and reviewed. Effectiveness and workability are at the centre of the bill we are debating in the House today.

I have to tell you that I'm very proud of the bill we are putting forward for final debate, just as I am very proud to be a member of a government that has made employment equity a priority. I think it demonstrates that we kept our promise to listen, to learn and to be open to change.

We have made amendments to Bill 79 as a result of our analysis of the issues that we heard about in our consultations during the public hearings of the justice committee and that are raised in the written submissions received by the justice committee. We have made changes to the bill whenever and wherever we felt such changes would improve it; that is, where they would make the bill more effective and workable.

I want to say once again that we could not have been presenting this assembly with a bill that meets those objectives if we had not had cooperation from all the interested groups and individuals. I should add that all these people have been willing to assist us and to work with us continuously. They have given us their input well beyond the call of duty.

1540

The members on the other side of the House who sat on the justice committee have also played an important role in our deliberations. I'd like to thank those members for their valuable participation and for their support for the principles of employment equity. Of course, on our own side of the House, I want to thank the members of our standing committee on justice for their leadership role in helping us with our amendments as well.

While I expect that they will continue to express various opinions on specific components of the bill during third reading, and I now refer of course to the opposition because that is their role, to bring forth opinions that vary from the government's, I have been pleased to see their acceptance of the principles behind the legislation and that they joined with us in their abhorrence of any form of discrimination.

The process of cooperation and consultation that we initiated will not of course come to a halt once the legislation is passed. In fact, it is imperative that the government and the new Employment Equity Commission—and it will be a commission—continue to work with employers, trade unions and designated groups. It is

equally important that all workplace partners work together if employment equity is to be successfully implemented in Ontario.

Just as partnership has been the hallmark of the development of the legislation, so too must partnership be the mechanism that makes employment equity work.

Those employers, trade unions, designated groups and other organizations that have already had experience with employment equity can be of assistance to those who have had none. These groups have expertise and knowledge that are extremely valuable. Those with experience of employment equity, and those who don't, will also be able to provide us, and particularly the Employment Equity Commission, with concrete, practical advice about what organizations, institutions and their employees are going to need to make employment equity effective and to implement it efficiently.

Employee education and information, for example, will be a critical component of employment equity and employers will be assisted in this area by the commission. Different organizations will have different needs and will require different tools to assist them. We recognize this and we are committed to giving the assistance that is in our power to provide.

Because we recognize that different employers do have different needs and different resources available to them, we have deliberately enabled employment equity to be phased in over time. So the bill sets out specific time frames for developing employment equity plans.

Let me emphasize here, because this is a common misconception, that the initial time lines are for the development of the employment equity plan, not for achieving the employment equity goals that employers and bargaining agents have set for themselves. Because one of our main objectives was to have legislation that was workable, we also recognized that it must be adaptable to the many and varied industries and sectors in which Ontario employers are engaged. That is why another hallmark of the bill is its flexibility.

Bill 79 gives employers and bargaining agents the ability to design employment equity plans that respond to the realities of the communities in which they are situated, the particular sectors, the specific workforces, their own corporate cultures and the economic circumstances in which they find themselves at any given time.

That is why the numerical goals that the bill requires employers and bargaining agents to set are so very, very different from quotas. It's important that we understand this difference, because it is a big difference.

The numerical goals that employers will develop for their plans will be based on the proportion of opportunities for change in a workforce. Most important of all, they are the goals the employer and the bargaining agent set themselves based on certain factors, such as the number of qualified people in the community. They are based on what employers can reasonably expect to achieve. They are not quotas. Quotas are arbitrarily imposed by an organization such as the government or another agency. Quotas do not take into account the real circumstances of a particular employer's workplace.

We do not expect employment equity to be implemented overnight, just as we do not expect we will see the results of employment equity overnight, but we do believe that Ontario would not achieve employment equity without Bill 79. That is why we have brought forward employment equity legislation and why we remain committed to it.

In closing my remarks I would like to say one more thing. In my time in public office I've had an opportunity to talk to people across the province. If I've learned anything in that time it is that Ontarians are generous people who believe in fairness. They believe in working hard to make decent lives for themselves and for their children and their grandchildren. They are more than willing to share all the good things in life this province has to offer. They truly support the notion that all who live and work here must have an opportunity to achieve their hopes, dreams and aspirations.

It is this fundamental belief in fairness that has given Canadians an international reputation for being a caring society. It is one of the things that make us who we are. It is one of the beliefs that unites as all.

The Employment Equity Act ensures that the fairness we all believe to be so very important is extended to every person in the labour force. By enshrining this fundamental belief in law, we are following an important Canadian tradition, one that has been responsible for such legislation as the Canadian Charter of Rights and Freedoms, and in Ontario, of course, the Ontario Human Rights Code. It is a tradition that we should be very proud of, and I know that all the people on this side of the House are very proud of that tradition.

Mr Alvin Curling (Scarborough North): It is an important day in the House, a day that I hope all members of the Legislature are looking forward to—not in such a hurry, really.

First, before I get into any comment on the bill, I wanted to support the words of the minister in thanking the legislative staff who worked so hard in giving us support; also, especially the members of the justice committee, who all during that time listened carefully, I hope, and showed a keen interest in defining what was one of the most difficult pieces of legislation I've seen in almost a decade in this House.

I also want to thank many of the presenters who came before us with their point of view, with their vigilance in the support of equity and to pursuing equity in our beautiful country of Canada and in Ontario as we address those inequities that are so evident at times for some designated groups. I want to thank those.

I also want to thank the parliamentary assistant, who all during that time was subjected to some very direct questions on positions that were taken by his leader and by his minister. Of course, he struggled through in answering for them, because quite naturally they wouldn't have been there. I want to say to him that he—as a matter of fact, he lived through that.

I want to say thank you to the advocacy groups who stayed after the public hearings to watch the proceedings, painful as it was. They stood by their commitment.

Bill 79 is important legislation. Before we can even address that, we must start to understand what employment equity is.

Employment equity is about fairness in the workplace. Employment equity legislation is about identifying and removing systemic discrimination. I would say at the outset, so you can understand where I'm coming from, it has not done so.

As I said before, it's a very complex piece of legislation. We're talking about dealing with individuals who have been constantly shut out of the workplace just because of their colour, just because of their class, maybe because of their sex or sexual orientation or what have you, or because of their disability. Somehow they've found themselves shut out of the workplace. As the minister said, the entire society suffers for that, because those people who are qualified are not being given the proper opportunity to display their ability.

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Bill 79 is supposed to address designated groups which have been identified as being subject to systemic discrimination. First, I presume it's an admission of failure of other equity legislation that has caused us to bring in employment equity legislation. It's the failure of the Human Rights Commission not to deal with some of the discrimination that develops sometimes, so we must do that. It's the failure of not paying people adequately at times, and that's why we introduced other legislation like pay equity. Again, that has become sort of gender-specific in regard to equity concerns.

Having admitted that, I presume the government of the day would have to say we must address the inequities in our society for those who have been targeted who suffer most from that situation. As I said, they are the aboriginal people, the women, the disabled and visible minorities.

As I said, this legislation requires very careful consideration, proper drafting, and even at this stage the government rushed this bill through because it feels it is so important to get it through to score political points. And that is where we start breaking down. Even today, rushing this legislation through will cause a misunderstanding of what it's all about.

Today we have, as a matter of fact just a few hours ago, the completion in writing of Bill 79. At 1:30 today I got it on my desk. As the minister would say, "We're following procedure." Let me point out to you, Madam Speaker, that if we're following procedure, we are here today to either approve or disapprove of this legislation on third reading. I ask the members over there: Of the 70 NDP members, how many—would you put your hands up—have read Bill 79? We have one hand. Oh, two. Two people have read it.

I make this point because we're going to approve something; we're about to say we're fully in agreement with it. When it was introduced in 1992 for first reading, it was not the same bill as it is today, December 9, 1993. If it were the same, we could easily say, "We will not approve of that bill." I'm not at all surprised that only two of the 70—

Interjections.

The Acting Speaker: Order. The member for Scarborough North has the floor. You may comment later.

Mr Curling: I hope through my speech he'll understand a little more about employment equity, that it is not anything to do with a partisan shot but the reality of dealing with something that is very serious. If you can stand up today, right now, and tell me you have read this bill in its entirety and agree with it, then I will say to you that I have great respect for you for your speed-reading and for your understanding of one of the most complex pieces of legislation.

The bill is a disappointment in its present state of reading. The government, from the inception, has failed to consult adequately. Of course, the minister stood up today and said, "We have consulted extensively." Groups all during the hearings and after the hearings have written to us and to the minister and said they have not been consulted. It was very important that we hear from all sectors of society about this extremely important legislation before us.

Another concern I'd like to address before I get into the bill itself is the fact that the government continued to state that it was the opposition that delayed this bill. As a matter of fact, one of the Conservative members asked to have it stayed for two days, in second reading, to review it and have a better understanding of it, and they refused that. However, during the second reading, they had to withdraw the legislation so they could have it amended because it was extremely vague and lacked definitions. They themselves took it away for almost two weeks to get the legislation written properly; 50% of the legislation was withdrawn so it could come back to us.

We have some rather major concerns about this legislation. Let me address the public sector. They have a terrible history in regard to employment equity in the public service.

I can tell you this and report to the House and the ministers weekly, that members of the public service have come to me and stated that they are visible minorities, and while it is perceived that the doors are wide open to receive everyone, in the meantime, through the windows upstairs they are laying off many visible minorities, laying off women and laying off disabled people. It is seen at the front door that they're all dressed up and receiving all these people the employment equity bill is supposed to help, and the bottom line is that people are being let go and we continue to have that kind of discrimination in the workplace.

So I would say first to the minister and all the ministers over there, you'd better clean up your act so that the private sector could see you as good leaders.

Another concern we have that is not being addressed is that we consistently raise the merit principle. I should state at the beginning that those designated groups that have been shown to be discriminated against in the workplace need not have any favours done for them. What they need to do, as we said, is remove those discriminatory practices, the systemic discrimination, so that they can perform.

Merit, as we have told you over and over again, is the principle. Give those people the opportunity to perform by removing those barriers, and they can perform. The aboriginal people are saying they are qualified people who can perform those duties. Remove those barriers and let them perform on their own merit, and not only on their own merit; on the merit that is required of all for that job. Visible minorities ask for the same thing: "Remove those barriers. Identify them and remove them. As a matter of fact, if you can't identify them, we will identify them for you. If you find it discriminatory, we tell you we'll compete for those jobs and we will perform just as well as anyone else. Don't do us any favours," they're asking. Women ask the same thing too.

Of course there are other factors that go along with access to the workplace. The disabled group needs transportation not only in the workplace but coming to the workplace. If this government feels that employers are going to solve employment inequity and make sure all these people will be performing and things are going to be wonderful and great, it has to work hand in hand to have proper transportation, proper day care, proper education. If people are being shut out of education, visible minorities, disabled people and women, we will still have that problem of not having people come into the workplace. We've got to work hand and hand on that. We cannot feel the employers are the ones to pay the price because none of those designated groups are within the workplace. Merit is the principle by which they would like to perform, because they do have that merit.

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I'm not speaking off the top of my head. Many of the ministers here have known about the report about access to trades and professions, which has identified that we have individuals within our society who have not been given those opportunities although they are qualified. We do have qualified people. This government has yet to act upon that report. Why? Because we're going to play politics with employment equity to see that it's going to be opened up and everything will be okay. Yet there are still people who have credentials who are refused to be accepted, who have the accreditation that is desired of them and should be recognized. But we are talking about employment equity that, when it opens up, will be really wonderful and everything will be just great.

Businesses have expressed their concern about the confidentiality. I agree with what the minister was saying at times, that we must be very careful, that there could be resistance to changes by employers saying, "I don't want to show you anything because of confidentiality." But in the meantime, one has to be careful about their business plan. That is not often out there, but everyone could have it and may not use it for the purpose they should. I think the government of the day has moved a bit in addressing some of the concerns of business about confidentiality. I feel that is an honourable way in which they have gone, but not enough.

Then it comes to another concern we have. The Liberal Party has expressed, and I have expressed, over and over concern about the seniority aspect of this, that it conflicts with the basic principles of employment equity. They

refuse to address that issue. As a matter of fact, when it was introduced first, we objected to that. When we debated that, they moved a bit in their amendments; in other words, to recognize the fact that seniority flies in the face of employment equity. I don't know what happened afterwards, behind closed doors with the unions and so on, but somehow, maybe because of what they have done to the social contract, they decided that they will bring back with more reinforcement that seniority will be a part of this employment equity, which flies, as I said, very much in the face of the principles of employment equity.

I respect the fact that the unions, through their contracted agreements, have fought for seniority. But I tell you, there are laws on the books that themselves discriminate. If they discriminate, what we should do is remove them. Of course, we can recognize that someone who has been with the company for 20 or 25 years has something they can show for it, having an ability to do the job. But if they don't, it should not hold as a barrier before anyone.

The minister, maybe in her wrapup, will talk about the fact that people can appeal that and it must conform to the Human Rights Code. Nonsense. Why do I say that? It is depending on the individual to challenge that. Tell me, how many people in our society, when working their ordinary day-to-day job, are going to challenge their employer and say, "Your seniority program conflicts with me moving up in employment"? Therefore, I feel that if we address seniority with sensitivity, we are then moving forward to better employment equity legislation.

We have seen a bureaucracy that is created. As I said earlier on, the failure of some of the legislation that we have and the failure of some bureaucracy to carry out this job is why we have to create another bureaucracy. We have the Human Rights Commission where, as you know, and I don't want to bore you with the fact, there's so much backlog. Although the minister decided to throw some funds at it and hope that it goes away, it does not go away. The old cliché says that justice delayed is justice denied. There are people in the Human Rights Commission who are still waiting after three years now just to have their case heard. I'm telling you, if someone has been fired because of some discrimination practice, how can they wait three years for justice to be done to them? Therefore, the backlog is one of those that flies in the face of the ordinary individual, so to speak, getting justice done.

We have the Pay Equity Commission and we have the Employment Equity Commission—all these commissions. We have made suggestions that the NDP government could have adopted towards its piecemeal approach to equity issues. We feel that employment equity could be a part of the Human Rights Commission itself. I'll give you a scenario.

If you, Madam Speaker, had been discriminated against because you felt that someone doesn't like your sex as a woman and you decided that you would go forward and put your case before the Human Rights Commission, after waiting, of course, three years, you may find out that: "This is not really personal discrimination against you.

It's really systemic discrimination in that company. Maybe you should go up to employment equity and join that line." Again, justice delayed is justice denied. Who has that kind of time as an individual to address that kind of concern?

We're throwing money at something here, Mr Speaker—as we change the Speaker here—and feeling it is going to address the inequities. It will not.

We propose that the government restructure and rename the Ontario Human Rights Commission, maybe to an equality rights commission. What it would do is keep all the equity issues under the jurisdiction of one comprehensive agency, ensuring that equity issues are dealt with expeditiously. But that was not done. I feel, again, that if we set up big bureaucracies, we will be able to feel and instruct the people that we are doing something.

My colleagues and I have debated, and I have consulted them constantly, because they represent millions of people out there who are maybe putting their concern in. One of the most respected individuals in my caucus, the person whom I regard as a gentleman and quite an honourable man, my friend the member for Quinte, Hugh O'Neil, expressed to me that some of the citizens of his community feel, is this legislation going to be reverse discrimination? Is it equity for all? Are we going to, as we always say, have a level playing field? The fact is, are we discriminating against some in order to include the others? He said to me that he hopes that this legislation, regardless of who brings this in, is fair to all, that white males, white females, black males, black females, get a fair treatment in our society, that we don't bring in laws in order to address only one concern itself but to recognize some of the problems we have. If we find those individuals violating those laws, we should make sure they are treated in the proper way under the law.

That brings me to the enforcement aspect of it. No matter what laws we bring in, it doesn't matter. We could have all the fancy laws. We could get all the fancy lawyers to draft up the very fancy legislative terms. But if we are unable to enforce them, what's the use? If we have a law about speeding on the highway and no cops are enforcing that laws or pulling people over and the courts are not dealing with them decisively, what's the use of that law?

We hope this legislation—you have your numbers, you will rush it through and ram it through and you will feel that you have achieved everything. You'd be very much surprised to know that there is no meat to this legislation. It is told that most of what the substantial part will be will be in the regulations. That's another matter. Another matter is the fact that when we saw the legislation we found how vague it was. Most of it addressed itself to say, "We'll find it in the regulations." The minister told us that by the end of October 1993 we would have that regulation. At that time, she and her government felt that because it means employment equity, it's a motherhood thing, we will just say yes to it.

1610

But we are legislators who must make sure that we have legislation that is fair to all; not fair to some and unfair to the others, but fair to all. She felt: "Trust me

because this bill is a 'trust me' bill. Trust me that when we brought this legislation in a substantial part that governed the legislation is in the regulation. Trust me, it will come October 1993 and the regulation will help you to define all this. Trust me."

I don't trust them. I don't trust individuals themselves in that sense because the fact is that aboriginals and all the designated groups have been waiting a long time for legislation there to be fair. Trust me.

October came; no regulation. They would say of course they had a draft regulation. Why should I consider the fact that a draft regulation that is here can be changed at any time? But I must trust them that even the draft regulation will be an approved regulation behind closed doors in the cabinet and, when people read it outside, say it's the Lieutenant Governor who will make all those decisions. The Lieutenant Governor is in a little cupboard up in his little chambers there waiting for them to bring all this up before they can approve that. "Trust me that the regulation will be good." I don't trust the fact that it will be a good regulation to support the legislation. That's not the way we draft legislation. We are elected people who are here to draft proper legislation.

Let me read to you what the—and these are credible people—the Canadian Bar Association-Ontario said, "The very substance of the employment equity process will be governed by the regulation." This is the question they have. "Laws generally reflect the views of various interests and are advanced by elected representatives. Where there is no opposition to a particular view, it is generally because there is some level of consensus on the policy being advanced. There's no such consensus on the manner in which employment equity is to be carried out in Ontario. The act therefore, not the regulations, should reveal the government's policy and be subject to legislative scrutiny."

Then this democratic party, this New Democratic government which talks about democracy hides itself behind regulation and doesn't have legislation which can be examined and which they can be accountable for because they're elected individuals. That's what we were shouting for. We're saying that if you want to bring legislation forward, bring it forward in a substantive manner. Don't hide behind the regulation. It's time that we decide to come clean with the people of Ontario.

We, the Liberal Party, as you know, believe in a just society, one in which all individuals, regardless of circumstances of their birth, whoever they are—white, black, yellow, green—get a fair chance to reap the rewards that society has to offer. We must make laws that are fair to all, and if we find individuals in there who discriminate, we should then give them the full force of the law itself.

Of course, we have those outside who are of extreme views, who feel that this society should be white only and white should be privileged. We don't embrace that, not one bit. There are blacks who feel that there should be a separate society. We don't embrace that. This is a society for all people, recognizing all and giving them a fair chance in our society to offer. They have contributions and they're willing to contribute in the fullest way that

they can, if they are allowed.

Let me just speak for a moment about my constituency, because it reflects in a way a microcosm of what Ontario is about. In Scarborough North we have people of all walks of life: the disabled, aboriginal people, francophones, all, Chinese Japanese, Somalians, Ethiopians, Jamaicans, everyone. What they need is that this society, as is promised, treats them fairly: a society in which they can send their children to school without discrimination, a society where their children are not being barred from any kind of education because they are women or aboriginal persons, but to be given that fair access. They want that and they believe in that; they'll fight for that. They want a government that believes in that kind of situation, but I'm not quite sure if we have done that.

When Bob Rae was the Leader of the Opposition, he had written his private member's bill. Many of us on the Liberal side said he seemed to have understood what employment equity was all about. Some of it I disagreed with, but quite a substantial part of it I agreed with. When Bob Rae became Premier, his realities changed completely. This bill, this watered-down, vague bill, most of which is in regulation, hiding behind regulation—

Ms Zanana L. Akande (St Andrew-St Patrick): It's better than the Liberal bill.

Mr Curling: Of course some people will say it is better than the Liberal's. The only way we can get a substantial piece of legislation is to say it's better than the other. That doesn't necessarily mean it is good. Even if it's better than the Liberal's, you say, because we did not introduce an employment equity bill, it is not a good employment equity bill.

Sure it will be passed. Sure we will stand up tomorrow and say that this legislation will be law very soon.

I got carried away, Mr Speaker. My colleague has a tremendous contribution to make and I should leave him some time. I got carried away.

I want to say that I will not support legislation that is weak, because when you have weak legislation it's worse than having no legislation. We are legislators. We must stand up and be strong about what we believe in. I am not convinced that even they over there believe in what they're doing. It's patronizing.

I bow to my colleague Mr Murphy.

The Deputy Speaker (Mr Gilles E. Morin): Further debate?

Mrs Elizabeth Witmer (Waterloo North): As we embark upon third reading debate of Bill 79, the employment equity amendment act, I want to say initially that it is extremely unfortunate that the NDP government took so long to finally admit what many people had long suspected about its employment equity legislation: that it was not based on fairness and equal opportunity, nor was it devoted to ending discrimination in the workplace, but rather that it meant reverse discrimination and that for a growing number of jobs white males need not apply, or even if they do they will not be considered.

This position was finally confirmed by the Chairman of Management Board of Cabinet when he defended an

ad for a public service job that said only applications from the four designated groups—aboriginals, females, visible minority members and disabled persons—would be considered. Indeed, he went even further when he said that the practice is going to be around for 10 to 15 years, until the workforce is "fully in balance," whatever that means.

I can assure him and I can assure the people in this province that when a Conservative government is elected in Ontario there will not be this reverse discrimination. There will be equal opportunity for everyone in this province. Fairness and equal opportunity in the workplace means giving equally good candidates an equal chance of securing a job. It does not mean substituting one form of discrimination for another form of discrimination.

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The minister's blunt comments were surprising, as the Minister of Citizenship has always described employment equity programs in soothing, ambiguous terms. When I inquired about quotas shortly after the bill was introduced on July 6, 1992, she denied they existed and instead spoke of numerical goals and timetables. Reverse discrimination was never mentioned, only positive measures. This government insisted throughout the debate that no one would be denied employment because of skin colour or sex, and now we have learned differently.

Herein lies the problem: This government has been less than truthful about the intent of Bill 79, and this reality now sullies the idea of non-discrimination and equal opportunity. Moreover, this reality may damage the legitimate attempts to promote hiring those who have previously suffered discrimination. Even though the ad I referred to was killed, its philosophy continues to haunt the employment equity bill.

Most people in this province would agree that measures are needed to overcome discrimination in the workplace. The obstacles should be identified and should be eliminated. Employers should be required to actively recruit and train members from the four designated groups and assist them in moving through the ranks. We also need to provide education and training opportunities, employment counselling and language skills, and we need to remove the physical barriers to access to the workplace.

However, in the end, merit should be the most important principle in hiring and promotions. No one—and I repeat, no one—should ever be precluded from a job because of their skin colour, their sex or their ethnic origin.

The government's fixation with numbers or quotas could potentially embarrass those members of the target groups who through hard work and their own talent have created their own success. I just want to refer to at least one example that I have personally received from people who are members of the designated groups and who feel they can compete through hard work and through their own ability and their talent. That is the case of a girl who approached me and said, "Mrs Witmer, I know I was accepted because I was able to check off three of the four boxes. Yes, I am a female, yes, I am a visible minority, and yes, I am disabled." She said, "I wanted to get that

position at the university because of my ability and not because I was entitled to check off those three boxes."

If this government wants to end discrimination and provide equal opportunity for all people, it should tackle the real obstacles rather than try to compensate for yesterday's sins. It should remember that employment equity invokes removing barriers to employment for the designated groups, not creating new barriers for another group: white males.

Let's take a look at the bill. This bill was introduced on June 25, 1992, and it introduced mandatory employment equity legislation which targeted four groups: aboriginal peoples, people with disabilities, racial minorities and women. On June 16, 1993, about a year later, the minister released the draft regulations for Bill 79. The regulations provide detail on the definition of the designated groups, the reporting procedures and employee participation in both organized and unorganized workplaces.

Who is going to be impacted by this legislation?

First, the Ontario public service, the broader public sector employers such as our hospitals, our municipalities and our school boards with 50 or more employees and private sector employers with 100 or more employees will be subject to the full requirements. What does this mean? This means that those people will have to do a workplace analysis to determine the present status of their employees; they will have to do a review of formal and informal hiring employment practices to identify any that may be discriminatory, and they must develop and implement an employment equity plan which includes numerical goals and timetables.

It is important that we recognize that this compliance with the legislation is going to mean additional dollars. This review is going to require that companies either retrain individuals on their staff or that they hire consultants. Many employers in this province believe that the government has underestimated the cost and effort involved in performing this exercise, that it is one more burden that is not going to create a single new job for anybody.

Second, we're going to have streamlined requirements for those in the broader public sector with 10 to 49 employees and private sector employers with 50 to 99 employees. Small business with 50 or fewer employees will be exempt, as will the broader public sector with 10 workers or less.

We're going to set up an expensive Employment Equity Commission, already in place. It's going to implement, administer and monitor compliance. We're going to have another fat, ineffective bureaucracy. This commission is going to be responsible for evaluating the effectiveness of measures being taken by employers.

I can tell you that people throughout this province foresee many problems with the legislation, because the government in its consultation did not fully listen to all the concerns that were expressed by people throughout this province. They were very selective in responding and making changes.

The first problem: They are concerned that the collec-

tion of workplace information will create problems because section 9 allows employees the right to decide whether or not to answer the questions in the survey which is going to provide the information. As a result, how can employers be sure they are getting accurate workplace information when employees do not even have to fill out the forms, nor is there any obligation for them to fill them out accurately? There must be some vehicle available for employers, other than this self-identification, that they are able to use in cases where the survey data are either not completed or are inaccurate, as an employer is going to need accurate and reliable data for that individual to put in place an employment equity plan. That's problem 1.

I'm not going to have time for all the problems, but I'm going to go through a few.

Problem 2: Employers will prepare an employment equity plan which must provide for the elimination of the barriers identified. They must implement positive measures to recruit, retain and promote members of the designated groups, and introduce specific goals and timetables for changing the composition of the workforce to ensure that workplaces in all occupational categories reflect the number of individuals from the four designated groups in the same proportions as these individuals exist in the community at large. However, if you use the words "community at large" as the basis for comparison, this is not accurate because all people in that particular community do not have the qualifications for the positions, nor are they even available to do the job. Therefore, the employer's workforce should be compared to the qualified and available labour pool that is available at that particular time and in that particular community.

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The third concern: The government has introduced a section that is going to make it even more cumbersome and costly for employers who have more than 500 employees. They must now provide additional information about the number of designated group members in four salary ranges and the number of employees in subgroups as defined by regulation of the designated groups.

I can tell you that this is a tremendous burden to put upon the employer community. We are going to further divide people. Not only are we going to have four designated groups, but we're now going to subgroup the four designated groups. It's extremely unfortunate that what's happening in this province is that it matters that you're a member of some particular group. At one time, I thought we were all Canadians or we were all Ontarians. Now it matters that you're a member of some particular subgroup.

Problem number four is a concern about something that could happen. It is the fact that bargaining of employment equity could occur. Employment equity is of such importance that it should not become a bargaining issue. Furthermore, if you make employment equity a bargainable issue, it could add to the length of time it takes to develop an employment equity plan and it could delay the implementation of a company's employment equity initiative.

It would be detrimental to all concerned if employment equity becomes even more adversarial, more litigious and more expensive to implement than was originally envisioned. Resources, if they are going to be allocated, should be allocated to achieving real benefits, not to expending resources to have disputed issues adjudicated in litigious forums. Furthermore, it is inequitable for an employer to be responsible and accountable when that employer is forced to bargain employment equity with the union. I hope the government will take that very serious concern into consideration.

The next problem of concern is the fact that we have set up another cumbersome commission and another tribunal. There are many in this province who believe that the issue of discrimination could have adequately been dealt with by the Human Rights Commission rather than by establishing a new commission. There is no guarantee whatsoever that this new commission is going to be any more effective than the Human Rights Commission. Why not clean up the Human Rights Commission and make sure that the issues of discrimination are dealt with effectively, efficiently and quickly?

I have to tell you at this time that I am extremely disappointed that the commissioner for employment equity never appeared before the employment equity hearings, because there are concerns about the duplication of the two commissions and there are some concerns about some of the definitional problems. I tried to arrange a meeting myself with that individual and I was totally unable to do so in recent months.

The next concern, the amendment to Bill 79, section 51, I am certainly extremely concerned about. This is an amendment which removes the fundamental right to appeal to the province's Human Rights Commission if a person believes he or she was unjustly treated under the legislation. These discriminatory hiring practices that are going to be introduced under employment equity do not violate the Ontario Human Rights Code. I've had many people say to me, "I'll just simply appeal it to the Ontario Human Rights Commission." There is now a section contained within the bill which would make that totally impossible. If you're treated unjustly, so be it. What we've done is simply eliminated one form of discrimination and replaced it with another form, although this time it's discrimination against the group known as white males.

The next concern I want to speak about is the commission itself and this tribunal to enforce the act. That is being set up. It's now estimated it's going to cost at least \$6 million per year. This has increased from the original projection and we know that by the time it is fully operational it will cost probably many more millions.

It's charged with hearing complaints from employees or third parties who believe an employment equity plan has not been implemented or is ineffective. Should an employer fail to comply, by the way, the tribunal has the authority to appoint an administrator, at the expense of the employer, to develop, implement, review and revise the employer's plan. This will result in quotas. Non-compliance with an order from the Employment Equity Tribunal will result in a maximum fine of \$50,000.

I personally believe that the power of the Employment Equity Commission and the adjudication body, the tribunal, is extremely troubling and is going to cause some intrusion into the lives of people in this province.

The final concern I want to mention—and I see time is moving along—is the difficulty employers are going to face at the present time in meeting these numerical goals within a timetable, because it is going to be compounded by the economic recession and the fact that many companies are downsizing. Therefore, we are simply not going to have the same number of new jobs and opportunities existing that are going to enable us to change the makeup of the workforce that quickly.

This bill, unfortunately, has raised expectations among the four designated groups that they will quickly have access to employment. I want to say that is not the case because companies are downsizing; they're not doing much hiring.

The government introduced some amendments and, unfortunately, they introduced an amendment that expanded the employee definition to include seasonal and term employees. That's going to have a negative impact on the agricultural and the tourist industry, and certainly I'm concerned about that.

Also, the government introduced an amendment, and this is an interesting amendment, because the legislation no longer identifies seniority rights, both layoff, recall and promotion, as a barrier to achieving employment equity. In this instance, this was a concession to the unions and although this preserves the principle of fairness to existing employees, it does entrench the employment of older white male employees and disproportionately affects recent immigrants and women recently moved into non-traditional jobs. It's certainly going to make the employer's task of changing the makeup of the workforce even more difficult in a poor economy.

I'm also concerned that the government, at the last minute, expanded the regulatory powers. Even though the business community had asked for fewer regulatory powers, they, at the last minute, increased the regulatory powers.

The government amendments, I would say, were a major disappointment. They did not reflect the comments that were put before the standing committee on administration of justice during the three weeks of public hearings. In fact, the government was poorly prepared to deal with the amendments. When I asked for a recess in order to do justice to the presentations that had been made, they indicated that was not possible, and yet they were never organized until the very last minute and did not introduce their amendments until the final weeks.

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If there's been a delay in this legislation, and I know there are some equity groups that are disappointed, I can assure you the reason for the delay is because the government did not have its amendments ready. I want to tell you what the PC Party attempted to do.

We did vote against the bill at second reading. I did table 30 amendments to Bill 79 in an attempt to make the

legislation more workable. We attempted to introduce an amendment which included a new preamble, which included the merit principle and made the preamble more positive, because it was extremely negative. We asked that the employer community be excused from non-compliance if it is due to a seniority clause, because legislation that now protects a union's seniority clause and places no obligation on the union for implementing employment equity while at the same time holding the employer liable for failing to comply with the legislation without exception where the employer's efforts are effectively frustrated by the seniority clause is totally unacceptable. Unfortunately, the government did not support this amendment or any others.

Employers, we said in our amendments, also must not be required to achieve employment equity by terminating or demoting existing employees who are not members of the designated groups. We asked that a section of regulation dealing with goals and timetables be put into the bill to prevent future modification of the regulation without public review. We asked that the bill be made consistent with the federal contractors program and the Pay Equity Act, which require data to be maintained internally by the employer for examination by the government only if there is an audit or a complaint.

We also asked that the commission provide 24 hours' notice before arriving at an employer's workplace and that it confine the scope of its inspection to documents related to employment equity. As you know, at the present time, the commission can go in without any warning whatsoever and ask for the information.

We also asked, and I spoke to this before, that we eliminate the commission and the tribunal and put it all in the hands of the Ontario Human Rights Commission, because what we have here is duplication for dealing with concerns of discrimination.

We asked that the third-party complaints be eliminated. We are concerned about the possible additional litigious work that might be involved. We asked for the removal of the tribunal's authority to establish an employment equity plan for an employer requiring the employer to set aside funds for an unspecified purpose or appoint an outside administrator at an employer's expense. We asked, and this is certainly needed and the government did make some moves here, that the confidentiality protection be expanded and every attempt be made to ensure that any information that is provided by the employer remains confidential.

The PC Party, I can tell you, remains opposed to Bill 79. We believe that rather than legislating quotas, we would prefer an approach that deals directly with the employment access problems such as those I've mentioned: training, education, physical access, language skills. These are the types of approaches that can put the designated groups at an advantage in the employment market. These are the areas where the government needs to take steps to ensure that all people in this province have equal opportunity to access jobs in the marketplace. We believe strongly that this legislation, this arbitrary government intervention, is no substitute for merit and fairness in the workplace.

It is unfortunate that although the commission asked for public input during the three weeks of hearings, the government's bottom line has always been that employment equity will be legislated. There was no option whatsoever. It will be mandatory for both public and private sector workplaces in Ontario. People in this province have had absolutely no choice, no opportunity, to make other positions known and listened to by the government. The government really had decided a long time ago, in its Agenda for People, in the first throne speech, that we would have employment equity. It's just unfortunate that the government was not up front when the bill was introduced regarding the intent: that it was not based on fairness and equal opportunity, nor was it based on ending discrimination that existed in the workplace, but rather that this legislation means reverse discrimination and that, for a growing number of jobs, white males need not apply. Even if they do, they will not be considered.

That is the reality we are seeing at the present time. I can tell you, it has certainly caused uncertainty and hardship, particularly for young people as they approach a university education. They go out and look for the job. There are many white males now who feel particularly disadvantaged, who are under a tremendous amount of stress now they recognize that this is indeed the intent of the legislation.

I want to conclude my remarks by saying discrimination is real in this province. Its effects can be cruel and destructive. But what the struggle against discrimination has been all about is eliminating barriers to opportunity, not creating new ones for another group. The goal must be to give everyone a fair and equal opportunity. It is not, as this government is attempting to do, to prescribe the results. However, as long as governments themselves promote discrimination in the name of ending it, it will not achieve that goal of equal opportunity.

I trust this government will listen to the concerns that have been expressed. I hope they will now do their utmost to ensure this bill provides equal opportunity for everyone in this province. I can tell you, equal opportunity is not the same as employment equity. Equal opportunity means that everybody in this province has equal access to any job that is available if they have equal ability to do that job.

Mr Derek Fletcher (Guelph): It's a pleasure to rise today on Bill 79. We've been listening to the myths surrounding employment equity. We've heard from the fearmongers and those who perpetuate those myths. We've also heard that instead of employment equity, what we should do is wait and let time be the healer. Yet we've waited how long?

We've heard from the people of the designated groups while we were in committee. We heard of the stories of frustration, broken dreams and disappointments when they went for their jobs or their job interviews.

By the year 2000, approximately 80% of our workforce will be people from the designated groups. These people have waited far too long for this province to enact any legislation that will give them an equal footing when it comes to employment opportunities.

We've heard about commitments to employment equity. I ask the Liberals, I ask the opposition, where is their commitment? They can't even vote for this legislation. They didn't vote for it on first reading and they didn't vote for it after that and they're not going to vote for it now, I understand. I'm just surprised the Conservatives are even talking about it.

Many institutions are painfully slow. Most of us spend at least a third of our time in the workplace. Work can be a source of self-respect and also dignity, but it can also be a place where it can be a humiliating reminder of subordination and discrimination.

Stereotyping and systemic discrimination vary in the workplace, whether they be intentional or unintentional, and will not become extinct simply because we embrace the concepts of employment equity. Change will take place in this workplace only if we change the way we assess our people and assess our workplaces.

1650

Research shows us that for decades we've been intentionally and unintentionally excluding about 60% of the people at the starting gate, and that's at the recruiting and hiring. How can we get a system of merit if we keep excluding people?

Despite the fact that 20% of our racial minorities have university degrees, compared with about 12% of other members of the labour force, racial minorities still earn less than their white counterparts and experience a higher degree of unemployment and underemployment.

Women in this province make up 52% of Ontario's population and yet they are clustered in about 20 of 500 occupations. Racial minorities must apply at least three times as many times to get a job interview. People of first nations face unemployment rates of 60% to 80%. The rate of unemployment for persons with disabilities is twice that of other members of the labour force, and that statistic does not include those who have stopped looking for work.

A study in 1985 found that for every job offered to a black person, three jobs were offered to a white person with the same level of education and experience.

A 1992 survey by the Canadian Civil Liberties Association showed that unemployment agencies are still willing to meet requests for whites only. This is the fifth time in 16 years a survey has been conducted with similar results.

Mr Chris Stockwell (Etobicoke West): Did you see what they said about the legislation?

Mr Fletcher: Well, here we go, Mr Speaker, through you to the third party. Our taxfighter friend, Mr Harris, the leader of the third party, was very quick after the last budget that the government shouldn't go ahead with employment equity because it would cost too much money. It would have been a sad day in Ontario and for the people of Ontario if governments had followed that sterling example of wisdom when it was time to set up the Human Rights Commission, the Ontario Labour Relations Board or the rent review board.

Should we have told Ontarians, many of whom are here today: "It's too bad your boss fired you for filing a health and safety complaint, but we can't afford a labour

relations board"; "It's too bad that your landlord hiked your rent illegally, but we can't afford a rent review board"; "It's too bad that you got turned down for a job because you're a woman; we can't afford a Human Rights Commission"? It will be a victory for tight-fisted ignorance the day any government nickels and dimes the Human Rights Commission and nickels and dimes the people of this province.

We have a responsibility to address this issue with fair, workable legislation. We must tap into the growing, valuable proportion of the workforce to remain competitive.

It will cost us, if we do nothing, in social assistance and unemployment insurance and lost spending power to keep capable people unemployed. It will cost us in creativity and productivity to keep talented people in low-paying jobs. It will cost companies clients in a growing market if they cannot serve women, people with disabilities or our culturally diverse communities. It will cost business opportunities in a growing global market if they lack the diversity and skills and the expertise to compete. It will cost each and every one of us the loss of human dignity. These are the things we can no longer afford, and the people of Ontario can no longer afford to wait for this.

I'm ashamed of some of the things I've heard from some of the members of the opposition. When we said in committee that we would like to travel the province so that everyone in the province could have input, they said, "No, we don't want to travel the province." When we said we wanted to go to the northern communities so that we could speak with aboriginal groups, they said, "No, we don't want to." When we started to bring in our amendments, in fact when we accepted a Liberal amendment that would have made technical changes, the opposition walked out of committee, not wanting to discuss this.

To perpetuate the discrimination that has been going on and to be the fearmongers that we see in the opposition parties is no longer tolerable to the people of this province. We owe too much to the people who have fought so long for this legislation.

I'm very proud to be part of a government that recognizes the abilities of every person of this province.

Mr Tim Murphy (St George-St David): I appreciate the opportunity to participate in the debate. Let me say first that I support employment equity in principle and support a bill that would implement employment equity. This isn't that bill.

I only have a few minutes left in the time, because the government has yet again, without any justification, decided to stamp out democracy by imposing time allocation on this bill, but I will talk about it briefly.

Interjections.

Mr Murphy: The minister, passing by, refusing to even stay in the House to listen to the speech, making a comment as she leaves the assembly, is showing I think a fundamental disrespect for this institution and for the committee that she showed by not showing up at all through the public hearings, not showing up through the

clause-by-clause debate—

Interjections.

The Deputy Speaker: Order, Order.

Mr Murphy: —very typical of the inability of this government to listen to the people. We proposed a whole series of amendments—

Interjections.

The Deputy Speaker: Order. The member for Sudbury, you're not even in your seat. The member for St George-St David.

Mr Murphy: Thank you, Mr Speaker.

Mr Larry O'Connor (Durham-York): On a point of order, Mr Speaker: Perhaps you can correct me if I'm wrong here, but I believe it's totally out of order for a member to talk about the absence of another member from this chamber.

The Deputy Speaker: The member for St George-St David.

Mr Murphy: Let me say that it's quite correct for me to not refer to the continued absence of the minister from the chamber, as I speak right now.

Let me go through very quickly some of what I think are the real, fundamental problems with this bill. First of all, an incredible regulatory burden is going to be created by this bill and that frankly—as I said in committee and as the parliamentary assistant knows, and if the minister were here, she would too—we're going to transfer a lot of money to lawyers in the process of trying to achieve employment equity.

It's creating a new commission, a whole new bureaucracy. We're going to have people being bounced back and forth for years and years between the Human Rights Commission and the Employment Equity Commission and back to the Human Rights Commission. It's creating an incredible bureaucracy of requiring people to have reports, file information and create plans, instead of one simple plan.

It also requires the imposition, possibly, I admit, of quotas by virtue of subsection 50(2). The government has left itself that possibility. I have a problem with quotas and that provision continues in this bill. The provision of allowing opportunities to be arrogated on the basis of goals is appropriate, I think. But let me say that this bill also permits the kind of ad that raised as much ruckus as it did a few days ago, which was that opportunities were going to be limited to certain people, and that's a real problem for many Ontarians.

I agree that after positive measures have been put in place and barriers removed, those are kind of appropriate measures. But once those have been instigated and once those have been put in place, everyone who comes to the table should have an equal chance to participate in the economy, to have an equal chance at the job once the barriers have been removed. An amendment that I moved on behalf of my leader, Lyn McLeod, to say that was defeated by the government.

It's interesting that we did a little phoning around to the constituency offices of some of the government members, and there was an amazing amount of agreement

with that policy. The member for Hastings-Peterborough, the Minister of Agriculture and Food said, "No, I'm opposed to a policy that would limit competition in that way," and yet the government has refused to rule out that competition.

Interestingly enough, more waffly but similar messages came from the member for Yorkview, the member for Downsview, the member for Kingston, the member for Huron, and I only had time for those calls.

I also have concern about the inability of this government to support an amendment that would have said, "After you've gone through the process of eliminating barriers, of taking positive and supportive measures as the bill says, you hire the person who's best able to do the job." I know my riding has a high number of people from what this bill will call "designated groups," who say: "I have the talent. I have the ability. Give me the opportunity. I have the merit." Yet this government refused to support an amendment that said at that point merit should apply.

1700

This government voted down an amendment I moved that said part of what should be taken into account is to look at the provisions that limit access to trades and professions. This government voted against that amendment. We also moved an amendment that would have the government support some of what's in the Cornish report to eliminate the bureaucratic entanglements in the Human Rights Commission and the new one created by this Employment Equity Commission. We moved an amendment to that effect. The government voted that one down too. I asked in committee of the minister whether she would commit to me a proclamation date. She has been totally unable to do that.

Let's talk about the real world impact. Where are most of the jobs going to be created in this economy? Everyone says 80% or more of the new jobs are going to be created in small business. This bill does not impact small businesses. The deal this government made with unions, in providing that security of tenure by virtue of union seniority provisions would prevail, has made this bill toothless in those contexts. I think too about the non-unionized workforces, which frankly predominate in this province. This bill provides entirely inadequate consultation mechanisms for those individuals.

What is of significant concern is that this bill leaves an enormous amount of what is actually going to be the pith and substance, as lawyers like to say sometimes, of what the bill means to regulation. We were supposed to have those regulations by October 29. They are sort of finished; they're not finished; they're not prepared to commit. I heard the parliamentary assistant talk about the refusal to travel. That's not quite correct. In fact, subsidies were provided to people to come to the committee, to travel from other places.

The only reason the members of the opposition refused to participate was because of the government's own incompetence. It was not prepared to give us the amendments in time, on time, to allow us an opportunity to review them. Four separate times it gave amendments at the last possible moment. It changed its mind on certain

amendments, back and forth and back and forth. It, time and time again, was not ready to proceed in that committee, until finally it brought in a time allocation motion to limit the amount of time we could examine its own incompetence in the management of this bill. It was incredibly incompetent.

I think too about the disabled community. I moved amendments to make sure the standards as applied to the disabled community in the Ontario Human Rights Commission would apply in the Employment Equity Commission. The government voted that one down too, lowering the standard of accommodation required for disabled people. It lowered the standard and you voted it down. You voted in favour of a lower standard and you should be ashamed of that.

Finally, I heard the parliamentary assistant referring to civil libertarians. It's interesting; the view of Alan Borovoy, one of the most prominent civil libertarians in this country and certainly in this province, on this is that this is the wrong way to go about it. This is mandating a result in a way that limits the participation of everyone equally. I tell you, this is an imperfect, flawed and impossible bill to support.

Mr Charles Harnick (Willowdale): I'm glad the member for St George-St David indicated Alan Borovoy had taken a position on this issue, because I have an article from the Toronto Star by Alan Borovoy, dated November 24, 1993. He says some very interesting things in this article. For those who are watching and don't know who Alan Borovoy is, he is the general counsel of the Canadian Civil Liberties Association. He says:

"Although the Ontario government killed that job ad barring applications from white males, its philosophy continues to haunt the employment equity bill.

"Consider the government bill on employment equity. Its aim is for every place of business to contain, as soon as possible, the same racial and gender mix as exists in the general society. This explains the government's dubious statements about the contentious ad. Management Board Chairperson Brian Charlton, for example, reportedly said of white males, 'Their time will come...there is only a problem until the workforce is in balance.'"

The reality of that statement, if that is the government philosophy—and a senior minister says it is—is that someone who is a white male, for instance, may have 15 years taken out of his worklife while we reach employment equity under this government plan. No one opposes the concept of employment equity. What we oppose is the concept of discrimination to get there.

Let me tell you what Mr Borovoy continues on to say.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): You can't have it both ways, Charlie.

Mr Harnick: The Minister of Consumer and Commercial Relations says I can't have it both ways. Let's see what Mr Borovoy says about that. Maybe the minister will listen. Maybe the minister will listen and maybe she'll learn something.

Mr Borovoy goes on to say, "While Charlton argued that such jobs restrictions are only temporary, he also

acknowledged that temporary could mean 15 years—in many situations, much of a person's working life. Who, then, can be sacrificed?

"The government approach has been justified as a way to provide compensation for past wrongs," and this is very important. He says, "But if certain women, aboriginals or blacks were improperly denied jobs yesterday," and this is Alan Borovoy, the chairman of the civil liberties association, "how does it compensate them if other members of the same groups receive preferential treatment today? Legitimate compensation could give preference to some of the actual individuals who suffered such past discrimination. But that compensation can't be legitimately transferred to others simply because they have the same gender or skin colour."

Mr Borovoy says, and this I want to emphasize for the Minister of Consumer and Commercial Relations: "The legitimate purpose of employment equity is not to compensate for yesterday's sins or to quickly mirror the community mix. Rather, it is to avoid discrimination from now on." Employment equity, he says, is to avoid discrimination from now on, and that is something I am certain every person in this Legislature would agree with.

Mr Borovoy goes on in his article to say that the hiring of such numbers to mirror the racial mix of communities and the preferential mix as the minister has set out "should depend not necessarily upon the community mix—but rather upon a calculation of how many from those groups would likely be hired if there were proper recruitment and no discrimination in the final selections.

"Moreover, even during employment equity plans, employers should remain legally obliged to avoid discrimination against all individuals—white males as well as women, racial minorities, and others."

He concludes his article by stating: "In short, the rejection of the philosophy behind the government's ad does not necessarily require a reversion to the inertia that preceded employment equity. But it does require a lot more wisdom in the kind of employment equity that is adopted."

I want to acknowledge those in the gallery today who I saw with regularity at the hearings. They have a very legitimate and decent and realistic goal to achieve. But if you listen to what Mr Borovoy is saying, he is saying that "even during employment equity plans, employers should remain legally obliged to avoid discrimination against all individuals." He's saying, "The legitimate purpose of employment equity is not to compensate for yesterday's sins or to quickly mirror the community mix. Rather, it is to avoid discrimination from now on." That should be the goal of an employment equity plan. That should be the structure of an employment equity plan.

1710

This bill does not accomplish these goals. This bill will promote racial disharmony. This goal of employment equity will be destroyed by this bill.

I am proud to say that my party supports the idea of employment equity without discrimination. I take great comfort in siding with Mr Borovoy as opposed to siding with a government that's going in the wrong direction. I

will stake my claim in the philosophy as expressed by Mr Borovoy, the general counsel of the Canadian Civil Liberties Association, before I'll stake my claim with this government, any day of the week.

Mr Gary Malkowski (York East): I'm pleased to participate in the debate today on third reading of employment equity, a very important, progressive piece of legislation. I would remind the Liberals across the way that during the NDP-Liberal accord in 1985, this was a part of the agreement which you failed to institute. You gave us a guarantee that this would happen in two years, and then you had a majority government for three years and you did absolutely nothing. You talk a good line, but you do nothing in office.

We are the government that is going to take this forward. The stuff we hear from opposite is really unacceptable. We don't need lectures from you on what we're doing. We are taking up progressive legislation. We have many different kinds of people here in the gallery, women, aboriginal people, visible minorities, disabled people, many people whom this legislation is going to go a long way to help.

I know the Liberals and the Conservatives have tried very hard to upset the apple cart and to make sure to a certain extent that this isn't going to happen. But I want to say, where's your own accountability to the people in your own ridings? You have people of the four target groups in your ridings. Where are you on this issue for those constituents in your ridings?

So stop talking and let's get down to action. I want to say to all of you and to all of you members, I know that you're trying to scare the other people. Severely disabled people and other people out there who are counting on this legislation are going to be hurt if this legislation doesn't come through, and that will be on your record, not ours. You're setting up false expectations trying to scare people into not supporting employment equity.

I'm telling you, 1993 is here, employment equity is going to happen, and it's going to help all disabled people, severely disabled people and other kinds of disabled people, and the other three target groups.

I will remind you, as I've said before, you're only an accident away from being disabled yourselves, so some day you might need this legislation, my friends. Remember that. This legislation is going to work for all the citizens of Ontario and it's going to give people real hope to get in the door and get that job they so well deserve and to give them that real chance they need.

I would appreciate a little cooperation from the members opposite in supporting employment equity, in making sure this happens not only for myself as a disabled person but for disabled people across the board and the other three target groups. I am pleased to stand in my place and support this legislation.

Mrs Margaret Marland (Mississauga South): It distresses me that I only have three minutes to speak on such an important subject as opportunity for people with disabilities for access to employment. I would like to tell the member for York East that I am very accountable to the people in my riding. I'm also glad the member

mentioned the severely disabled, because one of the reasons I am voting against this bill as critic for the disabled for this party is because it does absolutely nothing for people with severe disabilities. Disabled People for Employment Equity have asked that a task force be set up—

Mr Malkowski: On a point of privilege, Mr Speaker: I'm rather offended. I am not severely disabled; there are severely disabled people here. I really think that to a certain extent, you people are hypocrites. You talk—

Interjections.

The Deputy Speaker: Did I hear "hypocrites"? I won't accept this language. I would ask you to withdraw.

Mr Malkowski: No, I don't accept those points. You're saying this is severely—

Interjections.

Mr Malkowski: I won't withdraw it.

The Deputy Speaker: I ask you to withdraw.

Mr Malkowski: Well, I'm unwilling to withdraw the remark.

The Deputy Speaker: The member for Mississauga South.

Mrs Marland: Mr Speaker, I would ask to have some time put on the clock. When I had three minutes left to speak on behalf of disabled people in this province and had two interruptions from the member for York East, I think it's grossly unfair. May I request some time to go back on the clock?

The Deputy Speaker: Unfortunately, there is time allocation on this debate and I will adhere to it. The member for Mississauga South.

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: As there is time allocation and agreement to split the time, at least you could deduct the time for this member from the amount that is left to the New Democrats. I can't believe that it is fair, when time allocation occurs, that you would penalize these people. I ask for unanimous consent to add three minutes to Margaret's speech so that we can have a fair discussion in this place.

The Deputy Speaker: Is there unanimous consent?

Hon Ms Churley: Two minutes.

The Deputy Speaker: Two minutes? The member for Mississauga South.

Mrs Marland: The reason I mentioned severely disabled people is because the member for York East mentioned severely disabled people, and the Hansard will show that.

I have correspondence here from the Disabled People for Employment Equity. I have correspondence here from Persons United for Self-Help in Ontario. Everyone who is familiar with this issue is familiar with the organization PUSH.

Those of these organizations on whose behalf I am speaking and on whose behalf I will be voting against this legislation are concerned about the fact that there is nothing in this legislation that addresses the concerns of people with severe disabilities.

There are so many concerns I have about this bill on

behalf of people with disabilities that I certainly cannot deal with it in two or three minutes.

The very fact that in their regulations they talk about designating classes within a designated group—who are we talking about here? How distasteful this language is. We're talking about people with special needs and we're talking about "classes"? I was glad when I left England where they talked about people in classes. How regressive it is to refer to people in terms of classes.

And how awful it is to ask people to fill out a form that says, "I am this, this or this." People do not want to have to fill out those forms to self-identify to their employer who they are.

I can assure you that regardless of what this legislation contains, it is doing nothing in a concrete way to address the concerns of the disabled people in this province.

It does nothing about getting them to work; it does nothing about transportation, all the areas I have stood in this House and pleaded about on behalf of these people. I have to say this bill does not address the concerns of these people as to their disabilities and their getting to and from work.

This House, which last Thursday, in the majority, supported my private member's resolution for people who are developmentally disabled was voted against by—

Mr Randy R. Hope (Chatham-Kent): Read the resolution, Margaret. That was a political statement, not information that you provided.

Mrs Marland: The parliamentary assistant who is now interjecting voted against that resolution on behalf of people with developmental disabilities, and he's the parliamentary assistant for the minister. The record shows everything.

1720

Mr Rosario Marchese (Fort York): In the two minutes I have, I want to make some comments with respect to this bill. I want to say that as the Chair of the justice committee I had an opportunity to hear many deputants. What we did as a committee, on all sides, was to listen to what the deputants had to say, and we listened very well and very carefully.

As a result of those deputations we had, this government has made many amendments to address the issues that the deputants brought forth to that committee. I have to say that the equity groups made a tremendous contribution towards those changes that we made in this bill in the preamble.

"The people of Ontario recognize that aboriginal people, people with disabilities, members of racial minorities and women experience higher rates of unemployment than other people in Ontario. The people of Ontario also recognize that people in these groups experience more discrimination than other people in finding employment, in retaining employment and in being promoted."

That is the context of where we find ourselves. That's the context where these designated groups find themselves; that's the reality. When opposition members say that what people want is equal treatment and not this bill,

they fail to recognize the reality under which most of these people have lived for a long, long time: They haven't had fairness, they haven't had justice and they haven't had equality.

If merit were the real principle that was used, most of these people would have been hired in those positions. Merit has not been used and that's why we have had fundamental injustices for a long, long time.

What this bill does, contrary to what the Tories are saying, is that it achieves equality for all people in this society. That's what this bill does.

What the Liberals comment on, I'm not quite clear. They talk about a bill being vague. I'm not certain what that is. They talk about laws that are not fair for all. They talk about amendments as if the amendments that were made were not good enough to have been made. They have other criticism as well that I heard from Mr Murphy.

The point is, at the end of the day I am not quite sure what they're saying and what position they have, and I'm quite clearly waiting to see what position they have on this bill.

The Acting Speaker (Mr Noble Villeneuve): Further debate, the honourable member for St Andrew-St Patrick.

Ms Akande: I rise as one who is extremely proud—extremely proud—to identify to employers and to anyone else who cares to listen exactly who I am. However, I do feel it's somewhat unfortunate that in 1993 I have to rely on legislation that allows me to identify who I am in order to be considered for a job; not a job I want for which I'm not qualified, not a job I want for which I don't have experience, but a position for which people are qualified, for which they have the education, for which they have the experience and the ability, but because they are members of a designated group they have been consistently ignored.

Yes, we have come to the point where we have to ask for people to identify themselves, and we do so proudly. We do so proudly because we know how much we deserve this and we know how long we have waited. We know there are many people who have disabilities who have education, who have master's degrees, who have experience but who have repeatedly been denied the opportunity to use those abilities because they have been prevented from having jobs.

As I mentioned before, I am the daughter of a man who graduated from Coddington College and in fact was the superintendent of schools in Barbados. He was told, "We don't hire black teachers," and still he moved on. I'm here today to say, will you tell his grandchildren that they too will have to wait because they don't hire people who are qualified and who have ability? I would suggest not.

I think it's extremely important that we recognize what this bill is, and I think it's important that I end by telling you what it is. It is not something which gives us an opportunity to have a job that we are not qualified for. It is not something that gives people in designated groups the right to take a position from someone who has better qualifications. It is in fact an opening of the door. It is in

fact an opportunity for people in the designated groups to compete with others, people who are well educated, who have a great deal of experience and a great deal of ability, people who have come and contributed to this country or were born in this country, people who have abilities, some of which have never been considered by those in positions where they are able to hire people, people who in fact are citizens of this country, this democratic country that promises us that we shall have equality.

I come here today, at long last, to speak in my voice and in the voice of my father and in the voice of those who come after me to say: "I want to collect on the promise that this country has made to me. I want equity and I want it now."

The Acting Speaker: Thank you. Further debate. The honourable minister.

Hon Ms Ziemba: It is with great pleasure that I stand in my place today to wind up the debate on third reading of employment equity. I feel that I must, at this particular point, thank all of my colleagues. As you can see, this bill means an awful lot to them. They've worked very hard, in a cooperative way with the ministry and with myself, to bring about changes to the bill, to make sure that we have a good, effective piece of legislation.

This bill has been built on cooperation. It's been built on a partnership between business and labour and designated group members. It's been built on talking and consulting and listening and making sure that we heard all the debate and making sure that we listened carefully, to have a bill that gives us an effective tool to implement the change that is needed in Ontario.

My colleague the parliamentary assistant Derek Fletcher spoke very eloquently about the people who came into the standing committee to express themselves about the need for employment equity. My other colleagues have expressed themselves very eloquently as well about the need for employment equity.

Employment equity is many different things. Yes, it's about equity and justice and fairness in the workplace, but it's also about the hope for economic prosperity in Ontario. By having a wider pool of talent to pick from and to choose from, employers can start to embark on that recovery we've been waiting for in Ontario. We can start to build upon the talent, the huge, humongous talent that we have in this province of so many different people and individuals.

As I look around the gallery this afternoon and see some of those individuals who have worked for so many years and have come to so many different governments about employment equity, wanting to make sure there was justice and fairness in the workplace, that discrimination would end, I thank them for their contribution and for their persistence and for their solid support for the principles of employment equity. Thank you.

But most of all, I'm very proud of this government because, with the cooperation of the entire caucus, we have been committed to making sure that not only did we look at jobs, at a recovery for the economy, but we understood that this must be done with fairness and equity and justice and that there must be hope for all of

our citizens of Ontario. As I would say to all people who are listening today, this will certainly make a difference for all of you. All Ontarians will benefit from employment equity, from having justice and fairness and equity in the workplace. All Ontarians, whether it's the white males in our community, whether it's designated group members, everybody will benefit from employment equity, from fairer hiring practices, from ending discrimination and harassment in the workplace. This will benefit all of our citizens.

As I look to the future of Ontario, I know that we have a great future in this province. We are embarking on a landmark decision this afternoon that will change not only the workplaces of Ontario, but I would say to you we will see the benefits reaped across Canada.

I want to thank all of the members who have participated today and in the past. Thank you very much.

The Acting Speaker: This completes the time allotted to third reading of Bill 79.

Miss Ziemba has moved third reading of Bill 79. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

1730

EDUCATION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR L'ÉDUCATION

Mr Martin, on behalf of Mr Cooke, moved second reading of the following bill:

Bill 125, An Act to amend the Education Act / Projet de loi 125, Loi modifiant la Loi sur l'éducation.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable member have some opening remarks?

Mr Tony Martin (Sault Ste Marie): Yes, I have some opening remarks.

Hon Mike Farnan (Minister without Portfolio in Education and Training): When this legislation was first introduced—

Mr Murray J. Elston (Bruce): On a point of order, Mr Speaker: I don't think that the honourable member can give comments. He did not move the bill. The parliamentary assistant moved it. He must speak.

Mr Farnan: I would ask for agreement of the House.

Mr Elston: The Speaker knows that the bill was moved by the member for Sault Ste Marie. The standing orders require that he make the remarks.

The Acting Speaker: The bill was moved by the member for Sault Ste Marie. Would he have some opening remarks?

Mr Martin: When this legislation was first introduced, we indicated that it was in response to concerns raised by parents and the public. The aim of the legislation is to improve the functioning of our education system. The Education Amendment Act, 1993, proposes four amendments to the Education Act.

The first amendment gives statutory recognition to the Ontario Parent Council. By recognizing the council in legislation, we are confirming the government's commit-

ment to receiving continuing advice from parents about provincial education policy. The education of our children is of course a partnership. It's a partnership involving students, teachers, principals, parents, school administrators, trustees and others. By listening carefully to views of parents and our other stakeholders, I believe we can make the education system more accountable to the people it serves.

The 18-member parent council is an important step in this direction. Chaired by Jacqueline Latter, it will promote local parent involvement in education and advise the minister on programs and policies of the ministry.

The second amendment contained in this legislation allows for a reduction in the number of trustees to be elected to school boards. As you know, many people and some school boards, particularly some of the larger school boards, have been discussing the possibility of reducing the number of trustees on a school board. This, in part, is a response to reducing school board costs and achieving savings for local ratepayers. Current legislation permits a school board to increase or decrease by one or two its number of trustees.

The current procedure to bring about a change in the number of trustees on a board requires a resolution passed by three quarters of the members of that board. This present provision is too restrictive, because some school boards have indicated that they want to decrease the number of trustees by more than one or two.

What we are proposing is that school trustees be permitted, by a majority vote of members elected by an electoral group, to reduce the total number of members to be elected by that group. A minority language section of a board cannot reduce its members to fewer than three trustees.

I want to point out that this amendment respects school board autonomy. It leaves the decision as to whether there should be a reduction, and if so, by how many, to the people most aware of the local situation and community preference: the locally elected trustees. This amendment would let school trustees make decisions about the size of their boards well in advance of the November 1994 municipal school board elections.

The last two amendments proposed in this act deal with French-language education.

The first will continue existing authority to establish French-language school boards by regulation. If not continued, this power expires on December 31 of this year.

The second French-language education amendment deals with establishing French-language sections between elections. If a school board operates French-language schools or classes, French-language sections must be elected. Since school board elections occur only every third year, there can be a long delay until the next regular election. Therefore, it is necessary to have the power to create French-language sections between elections, and this final amendment will do just that.

I mentioned earlier that the aim of these amendments in this act are to improve the functioning of our education system in Ontario. They relate to the concerns being

expressed by parents, trustees and the public, and I ask that the members in this House join me in supporting this legislation.

The Acting Speaker: I thank the honourable member for his opening remarks. Questions or comments? Further debate.

Mr Charles Beer (York North): I will speak briefly in the debate because we will be supporting this particular bill. I'd like to just go over some of the matters which the parliamentary assistant raised.

In this particular bill we have the clause which will permit members of a board to decide if they want to have fewer members, and doing that makes sense at this particular point in time. We know there are some boards that would like to make changes. At the same time, we have a royal commission which is conducting hearings and which is looking into the whole question of governance. I think further recommendations may be made about the specific roles of trustees and of school boards, but this at least allows those trustees, who are of course democratically elected, to make some decisions about the numbers that they have on their particular board.

I want to talk about the parent council, which is also included in this, but first I just want to deal with the two clauses regarding the French-language schools.

In the case of each one, we believe that they make sense in the present context, that there is the regulatory authority to establish French-language school boards where required, and also where there's a need for a special election of minority-language sections of boards between regular election years, that can be done. In either case, is that going to mean a great change from what we have? But it is important that where a French-language section is to be created, if that happens in the middle of the term, there's an ability to do that.

1740

Je pense qu'il y a un aspect important qui touche la communauté francophone. C'est donc la création des conseils scolaires. Je sais que le gouvernement est fort au courant du fait que la Cour suprême a dit que nous devons assurer la gérance de leurs écoles par la communauté francophone. Je pense que globalement il y a un accord entre les députés dans la Chambre que nous devons donner force à cette directive de la Cour suprême.

En effet, sous les trois partis, les Conservateurs, les Libéraux et les Néo-Démocrates, on a développé un système, et je pense qu'on peut être fier de ce qu'on a dans le domaine de l'éducation pour la communauté. Mais quand même, il reste certaines choses à faire. Je sais que la communauté francophone attend la création d'autres conseils scolaires de langue française, surtout dans le nord-est.

Deuxièmement, je pense que, en parlant de ces aspects du projet de loi, je dis aussi au gouvernement que ça va être très important, en faisant les changements qu'on va faire avec le rapport Bourns d'Ottawa-Carleton, qu'on revoie la question de la tutelle du conseil public francophone.

On comprend les raisons pour lesquelles le gouvernement a mis en tutelle le conseil. Mais après je pense trois

ans, c'est le temps de vraiment voir si on ne peut pas trouver une autre façon d'assurer la direction de leurs écoles par le conseil qui a été élu et, en même temps, assurer que la dette va être réduite et finalement éliminée.

Nous avons parlé avec les dirigeants du conseil public à Ottawa et aussi avec les représentants du ministère, et je pense qu'il est certainement possible de voir une solution. Mais je pense que ça va être important, parce que dans le rapport Bourns on a dit que ce sera peut-être le temps d'enlever le parapluie, si on veut, qui lie le conseil public au conseil séparé. Je pense que ça fait du bon sens et qu'on peut développer des idées et donc éliminer la tutelle aussi.

I think as well, in just closing my comments on the bill, I want to talk a little bit about the Ontario Parent Council. I was delighted to join with the minister and others when the council was announced just a few days ago. I think all of us who had a chance to meet with the people who had been selected for the council were impressed by their breadth of background, by the different parts of the province from which they came. I think we certainly wish them very well in their work.

Having said that, I also make the remarks tonight, as I did when the minister made the announcement in the House, that I think there are a couple of important things for the council to keep in mind. One is the obvious difficulty for 18 people to, in effect, represent all parents in the province. I think they understand that is always difficult to do but that they can play a very useful role in trying to focus on those concerns that emanate from parents.

I would hope that as they set about their task and as they develop their work schedule, there will be a way for the council to meet in different parts of the province so that they can really include parents, whether it's by holding one of their four or five meetings during the year in Thunder Bay or in Windsor or London, Ottawa, but in different places where parents can be involved and see that element of their work.

The second point that I think it's important to underline is that, in my view and in our view, there is an important role for school boards. In looking at the development of the Ontario Parent Council, and perhaps at a local level school councils or other kinds of groups that would bring together parents and representatives of the community, there is still going to continue to be, in my belief, a role for locally elected school boards, because it's not just a question of having Queen's Park, the Ministry of Education and Training and a school all by itself trying to determine and direct all elements of education. We do need that middle level which is the school board.

There's been a lot of talk recently by some that we should be looking to get rid of school boards, and I think that would be a mistake. Certainly the people I know who serve on school boards are very dedicated people. They get involved because they really want to make sure that the education of their children and of our children is the very best it can be. We don't want to lose that local contact and the fact that those people go out every three years to be elected.

I often say to parents, to business people and to others who at times are upset with what they feel are things

school boards do that they ought not to do: "Look, then you should run. If you want to see changes, then seek election." It always amazes me that with all the discussion we have about the education system and concerns that people have, none the less when we look at the turnout for school board elections, it's usually in the neighbourhood of 25% or 30%. I think a lot of people in effect abdicate their responsibility by not going out and saying: "If I'm unhappy with something, let's get involved. Let's make some changes."

The Ontario Parent Council, I believe, if it can do its work properly and really reach out and try to represent as best it can the views and the voices of parents, will have and can have a positive impact on where we are going in terms of education policy and development. But I would hope that as they go about their work, they establish good working links with the major trustee associations, with the major teacher federations in the province and with those different groups, such as the Quality Education Network and others that are seeking changes in our educational system. I think that if people feel they are included, that their voices are being heard, it's going to make the work of the parent council more effective and it's also going to help the whole system.

As I said at the outset, we are going to support this education omnibus bill and we want to wish the Ontario Parent Council all the very best as it heads into its first full year of operation.

The Acting Speaker: Thank you very much. Questions or comments? Further debate?

Mrs Dianne Cunningham (London North): I wish I could be as gracious as my colleague, but I'm standing here—

Mr Stephen Owens (Scarborough Centre): No one could be as gracious as Charles. Come on.

Mrs Cunningham: Lots of times I am.

Today there are three or four very important issues in this legislation. We received it, first reading was November 25, just a few days ago, and we've had very little time to ask the school boards and the individual groups that are interested in education across the province how they feel about a couple of the issues, of course.

One is with regard to decreasing the number of trustees at the next regular election. We expect there will be a tremendous amount of support for that. The other is with regard to statutory recognition of the Ontario Parent Council. I am just going to spend a couple of minutes here talking about process.

It's always been my understanding that especially this government, which campaigned on the issue of listening to the public and responding to their requests—I would suggest that in the last few days and weeks in this Legislative Assembly, there's been very little regard for the public with regard to the number of bills that have been tabled and the amount of time we've had to debate them, the number of closure motions we've been facing, unprecedented in the history of this province, the number of hours to take a look at legislation, such as Bill 100 that I was part of. We met I think on three occasions and the fourth time frame was for debate of amendments.

We've had very little time. It's just a rush, rush job, close to Christmas and not the way I believe a government should operate, not unlike the former government. I hate to be critical, because I'm quite, should I say, pleased to work with my fellow critic of the Liberal Party. But I have to say that on the whole, since I've been at Queen's Park for almost six years now, we don't have a committee system that works where people can honestly come before the committee in a timely manner and take time to prepare their briefs. That's one of the reasons that we're not going to be supporting this legislation this evening.

1750

There are very many parts of the legislation that we do support and my colleagues in the ridings across the province I think would concur with me. But each will have their opportunity to vote whichever they feel most comfortable doing, as they individually represent their constituents. But as the critic I will be speaking to the four parts as follows.

The first issue in this Bill 125 that amends the Education Act that I would like to speak to is with regard to section 3. This permits the members of a board to approve a decrease in the number of trustees to be elected by the electorate at the next regular election. Just on that particular subject, I would like to say that there are some school boards which have chosen for their own reasons, and if we believe in local autonomy and governance, I do believe that this is the kind of decision they ought to be able to make locally, so we will be supporting that part of the bill.

Several large public school boards have recommended allowing school boards to reduce the number of trustees: Etobicoke, the Metro French-language, Metro separate and Ottawa have all expressed interest in reducing the number of trustees.

This past August the Ottawa Board of Education trustees voted to reduce their trustees from 18 to 10. They subsequently petitioned the government to introduce an amendment that would allow the reduction. In October the Toronto Board of Education rejected a motion to reduce its trustees by five. So we are looking at local governance in action. Obviously, these school boards are influenced by the public that they represent. The public has had opportunities to speak to the school boards and they've taken a vote accordingly.

I would also like this assembly to know that on October 13 our leader, Mike Harris, asked the Minister of Education to introduce a bill to allow school boards to reduce the number of trustees. I wish on that point that the government would listen to the requests we make that make good sense and act accordingly. In this instance there have been opportunities for the school boards to respond, I think, to this request.

The amendments will permit a reduction in the number of trustees to be elected to school boards. Trustees elected will be permitted by a majority vote of their members to decide to reduce the total number of trustees to be elected. A minority-language section cannot reduce its members to fewer than three trustees. This is what the bill is stating here. The amendments are required well in

advance of November 1994, when the municipal school board elections will be held. I think it is of interest to the members of the assembly that in 1992 there were 2,132 trustees in Ontario. We'll probably see a lesser number with this bill, so we do support it.

The second part of the bill that I would like to respond to is with regard to the Ontario Parent Council. This amendment does allow and recognize the Ontario Parent Council in statute and confirms the government's commitment to receive advice from parents on provincial education policy.

When this Ontario Parent Council was launched on September 7 by Mr Cooke, the Minister of Education and Training, he stated that the council had two main roles. With regard to policy, the council is expected to give advice on elementary-secondary policy and program issues to the Minister of Education and Training.

For the first time, at least in the press release, the minister admitted that the parents will have direct access to the minister.

With regard to the second mandate or role, it has to do with Outreach, the council is expected to promote parent involvement in the education system. It will reach out to parents and assist them in identifying education issues and will communicate their concerns to the minister.

Obviously in my portfolio I hear from citizens from all over the province of Ontario, but especially from groups that have traditionally in the past had the responsibility and whose mandate in fact has been to advise governments and of course, in the area of education, the Minister of Education and Training. Many of these groups have argued that this is a simple and superficial courtesy to public opinion that will only raise the cynicism already evident among Ontario taxpayers, because we now have a \$600,000 parent council. It will be an advisory group, actually number 44 in the Ministry of Education and Training, and therefore its ability to influence the minister's decision-making, they tell me, is suspect.

I think it's with disappointment that the traditional home and school associations—and today we met with the Catholic Women's League; we can go on to talk about parent-teacher councils, traditional councils of women across the province of Ontario, many groups that have a mandate to make recommendations on education and reach into their non-partisan grass roots to advise all levels of government—are feeling that this group is not necessary, that there have been the traditional groups, parent groups, teacher groups, student groups, business groups for the minister to consult with, that this is just lipservice by the government of the province of Ontario and in fact it's quite an expensive way of doing business.

The other criticism we have heard is with regard to the inter-relationship between the parent council and the Royal Commission on Learning. It's unclear. The question would be: Isn't parental input a major part of what the \$3-million royal commission is supposed to be doing? If in fact we did need a parent council in statute, would that not have been an appropriate recommendation from the Royal Commission on Learning? In the meantime, could the minister not have used the traditional, grass-root parent councils, student groups, business groups,

labour groups that have their own advisory committees on education?

All of the above I deal with on a regular basis in my own city and certainly they advise me, as Ontario groups, as to their concerns and their recommendations with regard to improvements in the quality of education in the province of Ontario.

The selection of representatives for the parent council has, in fact, been denounced. The tight time lines and limited numbers selected from the regional areas seem to make a mockery of the money and the effort expended on the project. I'm going to be very specific here.

The council was announced on September 7 and applications were due on October 7. Only six of the 18 seats on the parent council were filled from applications sent by ordinary Ontarians to independent selection committees—only six. Three seats were selected from established parent organizations and 10 were hand-selected by the minister. In all, more than 1,100 applications were received for the council's 18 positions.

I think the minister probably did recognize, by the response for applications, that there are literally hundreds of people, perhaps thousands, who are interested in advising this government on education. I think there has always been an important group of individuals who have taken education as a prime interest and been involved in their local schools.

Our solution would have been to make sure that school boards did have parent advisory committees in every single school and that those committees send representatives, or a representative in some kind of a council representing the municipality, to all school board meetings, committee meetings of school boards, and that school boards reach out to get the kind of input that is needed in every local community across this province.

Our emphasis would have been in every local community and in every local school, and I emphasize the importance of parents being involved in their children's education, of them clearly understanding the changes. I think if we did have that kind of grass-roots involvement, this government would never have moved in some of the directions that it's moved in.

1800

Destreaming is a very good example. In fact, a lot of it is not taking place because local school boards and parents and parent councils and students, and especially students who have special needs, recognize that it is not the way to go. There's a lot of research that talks about the best way to meet the needs of all of our students, and we should be paying attention to that.

I will say in closing on that issue that we have no objection to the persons who have been nominated and who are members of that commission, who will receive, I think, \$110 per day and be reimbursed for their travel expenses. Since the minister has decided to forge ahead anyway, we hope that the parent council, because we are spending the money on this council and because people have in good faith put their names forward—we really know just a few of the members, but we do wish them well because this is a decision of the government and

we're not going to stand in the way of their progress. We will be helpful whenever we can.

In the meantime my concerns, on behalf of so many of my caucus colleagues and the members and parents across this province and other groups that have been in touch with us, are on the record for the minister to look at with regard to this legislation.

There are two parts of the bill that relate to French-language governance. The existing power to establish French-language school boards by regulation expires on December 31, 1993, and the amendment will continue the government's power to establish French-language school boards by regulation.

This is not a new situation in the province. The power to create French-language school boards by regulation was established by Bill 12, which I spoke to and which received royal assent on December 20, 1990. At that time we voted against the bill, arguing the creation of new French-language boards by regulation would not allow for full consultation with the surrounding community and existing boards prior to implementation.

We take this position and we would continue on with our argument against French-language school boards by regulation. The Prescott-Russell French-language school board was created using this regulatory power in December 1991, and in a briefing on December 3, 1993, the minister's staff indicated that he would not be creating any new French-language school boards before the Royal Commission on Learning reports in December 1994.

We are simply not in agreement with French-language school boards being created by regulation. Where they're necessary we would encourage full public debate. That's a simple position, one that is true of anything else we do in this House. We just think they are much too important to be created by regulation.

On the last part, a very short presentation on our part this afternoon. The second amendment relating to French-language school boards deals with establishing French-language sections between elections, and if a board operates French-language schools or classes, French-language sections must be elected. Since school board elections occur only every third year, there can be a long delay until the next regular election. Therefore, it is necessary to have authority to create French-language sections between elections, according to this government and according to the minister. We should know that Lanark Leeds and Grenville County Roman Catholic Separate School Board currently runs French-language schools, but do not have French-language trustees.

We have very mixed feelings on this particular recommendation, Mr Speaker, but I think I should let you know that any opposition to this is simply that we don't want to make the electoral process more difficulty by having different rules for different school boards. Therefore, we would say that this is not really that necessary. In fact, it's not a difficult thing to do, and if people plan ahead, they could be in a position to have their boards elected at the appropriate time, along with other boards in Ontario. It's really a management issue that we're talking about. We think there should be consistency between all school boards every third year, when other boards are elected.

We've put our concerns on the record. I will just close by saying, here we are in December. Most people are taking the time to celebrate and make preparations for the holiday season. Another important piece of legislation is before us. Three different principles are in the same bill: the size of school boards, the parent council and French-language governance. If you don't like one part of it, you're forced to vote against the bill. I just don't think this is a very appropriate way to do business, but it is consistent with this government. It's something that will change when we become government.

Mr Hans Daigeler (Nepean): I would have liked to speak a little bit longer, but I understand there's an agreement to limit debate to a restricted time.

I do want to say, however, that I do support this bill. Frankly, sometimes one wonders why it is necessary to have a bill that school boards be allowed to reduce the number of their trustees. You'd think that perhaps a school board would have the authority to do that, because to me, frankly, that's an eminently reasonable proposal. I'm glad that some of the school boards consider it a feasible option and that they would like to do this. I know that in my own area of Ottawa-Carleton, some of the school boards are ready to do that.

I should say that, like our own Education critic, the member for York North, I do support the existence of school boards. Certainly my own experience as a school board trustee on the Carleton separate school board was a very good one. I do think we had an excellent relationship with the parents.

As for this parent advisory council that the minister is setting up for the province, frankly, that existed for a long time at my own school board in the Ottawa-Carleton area. In fact, I served on that. I do think this parent-teacher-administrator relationship was a good one at our school board because there were some formal structures that provided an opportunity for these partners in education to voice their concerns, to speak to each other.

I found that frankly I was looking forward to these meetings, in particular with the parents. There were always opportunities in my days on the school board when we had a time for the ratepayers—those could be parents or people who didn't have any children in the system—to speak their minds and to address the board and put forward their concerns. If this bill helps in some small way to achieve this, I think it's a good thing.

The Acting Speaker (Ms Margaret H. Harrington): Any other questions or comments? If not, the member for London North has two minutes to respond, if she wishes.

Mrs Cunningham: No.

The Acting Speaker: Further debate? The assistant minister, would you care to finish the debate?

Hon Mr Farnan: I would, first of all, apologize to members of the House for being slightly late in being able to introduce the bill earlier today, particularly to the member for Bruce. I did get a call that my son had to go to hospital. But the member for Bruce will be pleased to know that I have spoken to him, that he is okay and there is no need for concern. To the rest of the members of the House, I appreciate their kindness in this regard.

I want to thank the critics for their comments. As critics, it is a responsibility to be constructive. I heard much in the presentation of the two critics that was positive, that recognized the value of the bill.

1810

Much of this omnibus bill is housekeeping, it's nuts and bolts. But certainly I would like to make comment on the parent council because the critic for the third party did go to some lengths to discuss this issue. We all know that when parents take an interest in the education of their child, then that child's performance at school improves. Logically, it flows from this that when parents become involved in the school or the board or the school system itself, the school system improves.

I commend my minister, David Cooke, for bringing forward this initiative, because in all of the years in which we had previous administrations and for the first couple of years of this administration, there had never been an advisory committee to the minister made up of entirely of parents.

Certainly one could argue that there were indirect means by which parents could make their views heard. But there had never been an advisory committee made up solely of parents that had direct, ongoing, continuous dialogue with the minister. That, of course, is shocking. For 42 years of Conservative rule there was no ongoing dialogue between parents and the ministers of education. It's nice to hear the Conservative critic now saying, "This is a good idea," but it's wrong somehow or other.

During the five years of the previous Liberal administration, again, the opportunity was not taken up.

But I appreciate the fact that the recognition is there that the initiative taken by the Minister of Education in this administration is significant, important and vital.

The member asked, why set up this parent council when we have the royal commission going on? Can't they just have input to that and then indirectly to the minister? The difference of course is that the advisory council, the Ontario Parent Council, is ongoing. It will outlive the royal commission. The royal commission will report in the fall of 1994. After that, it will be up to this government, when we approach our second term, to look at how we implement over the next 10 years perhaps the recommendations of the royal commission. Of course, we will seek the support of the other parties as we address these issues.

But the parent council is clearly something that we do not believe is in a time frame, that it's going to be used for three months or six months. We are developing a covenant with the parents of Ontario, and that covenant is that we are going to work together in partnership.

The critic for the third party is quite correct. Parents have been waiting for this and have responded in an extraordinary manner. I indeed had the opportunity to review many of those applications, the quality of the individuals, their commitment, already demonstrated at the local level and at the board level, the fine group of parents who volunteered and who were selected and who are a true representation of all the regions of the province. I have the opportunity to have the lead on this

particular council and I'm looking forward very much to working with this particular council.

With regard to the issue of the reduction of trustees and the board's ability to make such a decision, I think the member for Nepean spoke very well and very clearly: It makes common sense. Really, part of the responsibility of good government is to apply common sense to situations, and if indeed there is legislation that impinges upon the exercise of good common sense, then clearly the responsibility of government is to remove those barriers.

When we looked at a situation where school boards, in response to their taxpayers, in response to their communities, are saying, "We want to and we believe we can become more efficient. We can be more effective by reducing the number of trustees," but find that they are bound in a straitjacket of legislation from the provincial level, it just makes good sense for us as a province, for us as a ministry, to say, "Let's remove those barriers and let's work cooperatively with the school boards." I commend the member for Nepean for what I found was the most constructive remarks with regard to the issue in this particular bill.

As I pointed out at the beginning of my remarks, much of this is housekeeping, much of this is common sense. I do commend the critics from both the opposition parties for recognizing the positive elements in this bill, the constructive elements in this bill, the leadership that has been demonstrated by the Minister of Education in incorporating parents, the leadership that has been demonstrated by the minister also in allowing boards to take ownership in the number of trustees.

For the remainder of the bill, I point out that it simply is an extension of what is already in place for one of the items, and the other is purely a housekeeping matter. I again commend the members for their contribution, and I'm delighted that this piece of legislation is moving forward.

Mr Robert V. Callahan (Brampton South): Madam Speaker, the last speaker, the member for Cambridge, indicated this is simply housekeeping. In looking through the bill, I have to ask the question, is this a precursor to the elimination of school boards? I recognize that it requires a resolution of the electoral group of the board—

Hon Gilles Pouliot (Minister of Transportation): The last time you read a bill was in—

Mr Callahan: The Minister of Transportation has interjected. I suggest he probably hasn't even read the bills he's presented to this House.

But I ask that question in all legitimacy because the haste with which this bill is being proffered strikes me as an effort to reduce the size of school boards. I know in Metropolitan Toronto the majority of the school boards are represented by New Democratic members, who might fall in line with your proposals to have the school board in Metropolitan Toronto reduced, if not annihilated, to the extent that you would then have in place parent councils.

Parent councils are fine. They probably would reduce the tax burden, but in the final analysis they would reduce the question of accountability, and accountability is what it's all about. Parent councils are appointed,

they're not elected; trustees are in fact elected. So I would inquire of the member who just spoke as to whether or not he can tell us whether his government has a secret agenda, as to whether or not they're going to eliminate the school boards, at least in the city of Toronto, and thereby take away the accountability that is necessary, albeit in the effort to try to reduce costs. But accountability is very important in a democratic society and, thus far, in all the things I've seen of this government, they are truly not democratic.

Mrs Cunningham: I'd like to thank the member for Cambridge for his compliments and, secondly, I would just like to correct him on one point. I don't want to date myself, but in fact I did sit as a parent on many advisory committees, in this Legislative Building actually, on community schools, on the issue of homework, on the issue of sexism in the curriculum, on the issue of school closure. In the 1960s and 1970s and early 1980s, advisory committees to the government sat. Parents were invited, along with school board trustees, and we actually hammered these policies out.

1820

That process has totally disappeared. At least as long as I've been here I have never seen an advisory committee where you, as the member for Cambridge, or I, as the member for London North, would be invited, along with representatives from the community. Never. I don't want to be particularly defensive, but I just want to make sure the member understands that.

The other point that the member made, and I just want him to think about this, because it wasn't my intent to say that the parent committee was struck before the advisory council reported. My intent there was, why don't we wait and see if in fact this expensive advisory council even said there was a need for an Ontario Parent Council? That's all I was saying there. I wasn't meaning to say that the Royal Commission on Learning was going to preclude parent councils or that parent councils were ongoing. Why didn't we just hear from them? Because that's what parents are doing: telling the royal commission how they best can have input. Our position is that at the local board level is extremely important, and another method would have been more appropriate for the minister.

Mr Randy R. Hope (Chatham-Kent): Thank you to the member for Cambridge, who clearly indicated what the bill is about. I think it's very important, because as a representative of my own community, one of the two boards in this province that have been very fiscally responsible and have highlighted a number of concerns recently and in the past about provincial governments downloading to the boards. This is going to give the minister an opportunity to have firsthand knowledge from parents about the decision processing that is taking place.

I remember in the past when the Liberals and the Conservatives were in and they passed it down to the local boards, parents had concerns about it, but then it was always put back, "Well, it was done by the leadership or the government of the day." This is going to allow the parents' advisory council an opportunity to make sure that before it is even considered, the parents, the tax-

payers who we all represent, will have that opportunity.

I notice there were other comments made and I'm sure the member, in his two-minute response, will talk about how this is not really a partisan political issue, as I heard the member opposite from the Liberal Party indicate in trying to make it a political thing. This is an opportunity for parents to be involved, for school boards to make decisions. Not only will school boards be reducing school board trustees, but I know in my own community two municipalities are looking at reducing council. The overgovernance is too much. What they want to do is have that opportunity to reduce it. This legislation provides that community input, for the community to make a decision about its interpretation.

To the member for Cambridge, I have to compliment you for giving the critics compliments. I was really shocked. I thought at least they would have some good things to say. But to the member for Cambridge, who always come with a fair-minded viewpoint on issues, I thank him for his compliments in his remarks today.

The Acting Speaker: We have time for one more question or comment.

Mr Daigeler: I just wanted to say, first of all, thank you to the member for Cambridge for the nice words that he said about my own remarks earlier, which were very brief. Then the member for Chatham-Kent made some observations which I—

Mr Hope: No, no. None of my comments.

Mr Daigeler: Oh, you'll be pleased to hear they're going to be congratulatory on your comments as well, because guess what? The member for Chatham-Kent—

Interjections.

The Acting Speaker: Order. I need to hear.

Mr Daigeler: —said that the school board in his area handled its finances very well. He was very congratulatory towards the school board, and I can agree with him.

Guess what? My brother-in-law was one of the superintendents of that school board for more than 20 years. He just recently retired, and I must credit my brother-in-law for some of the very good financial management of your school board. I'm very glad that you recognize the contribution that was made, and I just want to reiterate the comments that the member for Chatham-Kent just made about his own school board and about the excellent way in which this school board has handled its affairs. It is true and it's recognized across the province, and I just want to put on the record the contribution of my brother-in-law in this regard.

The Acting Speaker: Now the member for Cambridge, the associate Minister of Education and Training, has two minutes.

Hon Mr Farnan: I do want to emphasize how important it is to leave aside political and partisan issues. I would say to the member, in setting up a royal commission, we give it the opportunity to look at the whole area of governance and then we will see how it reports on that, without interference and without prejudgement. But let's see how they handle this issue and let's see what the results are.

The member for London North asks, "Surely we could wait till the royal commission report." We are not simply going to stand still over a period of two years while the royal commission reports. You have to understand that we have taken significant steps in the areas of testing, in the areas of developing a common curriculum, in the area of benchmarks. All of these issues are important.

Why would we, as a government, I ask you, Madam Speaker, say, "We are not going to talk to the parents of Ontario until the fall of 1994"? The critic for the third party is totally out of touch with reality. The people of Ontario are saying to us very clearly: "We want to be part of the system. We want to be part of the accountability. We want to be part of the measurement." My minister is saying: "Yes, we want you as a partner. Although you have been neglected for the last 45 years, this New Democratic government is saying, 'Parents, you are part of the partnership, you are part of the solution and we welcome you on board.'"

The Acting Speaker: Is there any other member who wishes to participate in this debate?

Mr Martin, on behalf of Mr Cooke, has moved second reading of Bill 125, An Act to amend the Education Act. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? To which committee shall the bill be referred? Third reading? Okay.

INCOME TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU

Mr Sutherland, on behalf of Mr Laughren, moved third reading of Bill 31, An Act to amend the Income Tax Act / Projet de loi 31, Loi modifiant la Loi de l'impôt sur le revenu.

Mr Kimble Sutherland (Oxford): I had an opportunity to provide extensive comments in second reading debate, so I am not going to add any additional comments. I look forward to hearing the other ones. Hopefully, we can have a good, quick debate.

The Acting Speaker (Ms Margaret H. Harrington): Questions or comments?

Mr Murray J. Elston (Bruce): I'd like to ask the honourable member, if he made such extensive comments before, why did no one believe him?

The Acting Speaker: Are there any other members who have a question or a comment? The member for Oxford has two minutes, if he wishes, to respond.

1830

Mr Sutherland: My only response is that I'd be happy to send the member for Bruce some good Oxford county cheese to go with some other types of refreshments he may want to enjoy.

The Acting Speaker: We will look to see if any other members would like to debate this bill.

Mr Hans Daigeler (Nepean): I do like the member for Oxford and, frankly, I think he's on the wrong side of the House. Perhaps he'll still see the light. In his youthful ways three years ago, I think as a student, he joined the

NDP never thinking that he would be elected. But since he has now matured, he's three years older, he got married and perhaps has got wiser, he might still realize that really the party he is presently with might not be the right one for the future.

Mr Robert V. Callahan (Brampton South): You've got to think about a future. You have to have a future over there.

Mr Daigeler: Because for sure the next election is going to kick him out if he stays there. I'd say he was a bit flippant because, frankly, this bill isn't quite as flippant a matter as perhaps the comment seemed to suggest. I don't want to say—because we are just briefly before Christmas, I don't want to harp too much on the comment.

This Bill 31 is a significant bill because it raises taxes. Perhaps that's one of the reasons why the member for Oxford did not want to elaborate too much on what this bill actually contains.

This bill goes back to the May budget of the Ontario Treasurer. Now he's no longer called Treasurer, it's the Minister of Finance. I'm not quite sure why they changed that name. I thought Treasurer was kind of unique for the situation of Ontario.

Be that as it may, this bill implements now what the Treasurer announced in terms of tax increases for all of the Ontario people. It raises the income tax and, just to make sure the people are following us, here's what it says, section 3 of the bill, "The re-enactment of paragraph 2 of subsection 3(1) of the act implements the budget proposal to increase the surcharge for 1993 to 17% of Ontario personal income tax over \$5,500 plus 8% of Ontario personal income tax over \$8,000 and for 1994 and thereafter, to 20% and 10% respectively for those amounts.

"Section 4. The re-enactment of clause 4(5)(q) of the act implements the budget proposal to increase the rate of Ontario personal income tax to 58% for 1993 and subsequent years."

So even though the parliamentary assistant doesn't want to mention this too loudly and too long, I think I do have an obligation, certainly on this side of the House, to remind the people who are watching that this is a tax bill. It raises taxes.

I'm sure the Conservative Party will want to speak to this matter as well because they have been calling for a long time for a stop to tax increases.

I have to be reasonable. I used to be in the same position the current parliamentary assistant is in when very shortly before Christmas and before the recess of the House, the Ministry of Revenue—in those days it was called the Ministry of Revenue—had to come in with certain bills and try and get them through the House because these were finance bills and had to be passed so the Ministry of Revenue could collect the taxes. I always said it wasn't the fault of the Ministry of Revenue; the decision was made by the Treasury and the Ministry of Finance and then it simply became a Revenue bill because it's the Revenue officials who actually collect the money.

Certainly in our days, I think one could make a good

argument, and we did make an argument, that because the times were good we also were asking for the people to pay for the services they were asking for. I always defended my government and my decisions in that way and I still do.

In those days between 1987 and 1990 I received a lot of calls and a lot of representations in my office, here at Queen's Park and back home in Nepean. People were coming in almost on a daily basis, calling for an increase in services. I always said: "Okay, fine. If you do want this additional service, are you prepared, then, to pay for it, rather than put the burden on future generations?" Therefore, I said, "Okay, we will then have a tax increase as well." I think in those days people said: "Yes, we can afford it and we can still carry it. Because we do want the service, we accept as well certain tax increases."

However, we all know that over the last three years we have seen a dramatic change in the economic picture of the province. We all know that the bottom, almost literally, has fallen out of the Ontario economy. I do think there are some international factors at work, but not only. There are also some very, very clear decisions that were made by this government and I will not let this government off the hook. There were decisions made, especially in the first two years of this government, that clearly had an impact on the economic viability of this province. I'll just mention a few.

There was clearly Bill 40, the labour legislation. I know, Madam Speaker, you may disagree with me and members opposite will disagree with me, but I am convinced this bill did nothing for, in fact it seriously hurt, the confidence of our business people in this province. This was the start of a business climate that continued, up until today, at least, to deteriorate.

What wonder, then, that with that deterioration of the business climate and the willingness of the business people to invest, to go out there and to make money, all of a sudden the tax revenues for the province dropped like a stone. How can the government be so surprised?

The Minister of Finance keeps saying, "We have that deficit in the province because our revenues are no longer there." It's true; he's right. But what we are saying is, you could have easily foreseen that significant drop in revenues. You knew that drop in revenues was coming. In fact, you not only knew about that drop in revenues, you and your government, your cabinet colleagues, contributed significantly to the drop in revenues. I mention Bill 40.

The other legislation I keep reminding especially the member for Ottawa Centre, the Minister of Housing, about was the provision that basically eliminated all renovations or most of the major renovations in apartments and high-rises and so on, where the landlords no longer had an opportunity to recoup, in a reasonable way, their expenses with regard to capital expenditures. Is that reasonable?

I do agree that we must protect our renters and I'm all in favour of that. I think there has to be a reasonable approach both to the rental situation and also to the profit situation. I'm not afraid to use that word. I think there has to be some incentive for the business people in this

province, including the owners of rental buildings, to make a profit and get a reasonable return, first of all, on their investment, and especially on their investment into renovations and keeping up the quality of their buildings. I tell you, it isn't just the big landlords—by no means—who decided not to make renovations. It's also the smaller landlords.

1840

People in my own riding came to me who had apartment buildings, six apartments or maybe 12 apartments in them, middle-class people who invested some of their money in rental units in view of retirement, and all of a sudden the government changed the legislation and they were no longer able to recoup, retroactively even, some of the moneys they had put into their buildings.

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): What about the tenants?

Mr Daigeler: The minister asks, what about the tenants? I quite agree, there has to be protection, but there was a very good system in place.

Hon Ms Churley: It wasn't working, Hans.

Mr Daigeler: The rental review system worked. The minister says it wasn't working. It was working very well.

The Acting Speaker: Could the member relate his comments back to Bill 31, please.

Mr Daigeler: Bill 31 is a tax bill, this bill raises taxes, and I think there's a very obvious connection between what I'm saying and this bill. This bill raises taxes. Why does it raise taxes? Because the government needs more money. Why does it need more money? Because the revenue isn't there, the revenues have been dropping. I'm trying to explain, why has the revenue dropped?

Hon Ms Churley: Because you left us with a big deficit.

Mr Daigeler: The minister's making a point. She's urging me on. I don't think she should have made that point. The minister is saying that we, meaning the Liberal government, shouldn't have left such a deficit for the current government. Minister, that is blatantly incorrect, if I'm allowed to say this in here, and I've spoken about this at some length. I'm very serious about this. To the credit of the Minister of Finance, in the first two years of his office he never said this deficit was the fault of the Liberal government. To his credit, he didn't say that, because he realized that he himself made certain decisions—and you can't blame them for it—in 1990 when they took office to pay off certain debts that the province had and also to raise certain provisions, for example, on the social assistance side, and to charge that to the budget. That was part of their responsibility, and the Minister of Finance in those days, two years ago, recognized this.

Hon Gilles Pouliot (Minister of Transportation): You're such a wise sage now. I remember, when Elston was with Management Board, what a mess that was. You know it all now.

Mr Daigeler: The Minister of Transportation says I know it all. I did, and I can give him the Hansard. I spoke about this several times already in this House, explaining to him that the financial situation was a good

one that was given to this province, and what led to the very rapid and very significant deterioration of the economic situation in this province was clearly some of the decisions this government has made. I don't blame the minister for all the economic mess. I don't do that.

Hon Ms Churley: Oh, thank you, thank you.

Mr Daigeler: The minister's saying thank you. You're welcome. But you cannot hide from some of the very grave mistakes you made, and you were warned about it. I told you in this House that while other provinces were already reducing their payouts to their civil servants—I remember way back in 1990 Newfoundland was already putting in place wage and price controls and, if I remember correctly, Manitoba did as well—the Ontario NDP government at that time was still raising the civil service rates by more than 7% and also increased the transfer payments to the hospitals, schools and so on by more than 6% or 7%.

I remember those days when actually the school boards and the hospitals were surprised that they were getting such a significant transfer rate increase. Of course they liked it, they appreciated it, never thinking that within a year they'd have to pay it all back and now they continue to have to pay it back.

My point is this, because, Madam Speaker, you asked about the relationship of my comments to this bill: The point is that this government has to raise taxes now, at a time when it is so detrimental to the economy to raise taxes, because it made some very grave errors throughout its reign, if I could say that, its term in office up till now. They made some very grave mistakes and now we're all paying for it. Revenues were dropping and continue to drop like a stone.

This bill probably will add to the problem. As my leader has said quite often in this House, this is not the time to raise taxes. It will have the opposite effect of what you're trying to achieve. We understand that you do have to have the revenue, that you can't run the government without the revenues; we understand that. But if you're interested in revenues, the way to raise revenues, get the revenues going up again, is to try to stimulate the economy, to try to make it possible for the business people and for the middle class and for all the people of the province to use their money again and to consume and roll the dollar over, as they say, from that increased business activity. If people have a little bit of money left over, they spend the money; perhaps they build an addition to their house or buy a new car or whatever. If they have a bit of extra money left over, they will put it in the economy, they will go to a store and they will spend it, and that way the economy gets rolling again, and with a rolling economy the government gets its cut as well.

By the way, when I say the government gets its cut, let's not kid ourselves: It doesn't go into my pocket; it doesn't go into your pocket. When we say the government gets its cut, what we mean is that the government is able to pay all the services that we collectively have asked for from the government, that we have requested.

Let's get the economy going again. Let's make the right economic decisions so that the business people will invest again and the ordinary person will start spending

a bit of money again and in that way get the economy flowing again, bring in the tax revenue, and then we don't need all these tax increases that we're seeing today.

What my leader has been saying throughout this year, what I have been saying, what I'm saying again tonight, is that this is the wrong time to bring in another tax and to raise taxes again. What this measure will do is further hinder the economic renewal that seems to be under way.

I think there are some hopeful signs on the horizon. The stock market, when you see how well it's doing, should be the precursor of good things ahead, and I certainly hope so. Frankly, probably the government is counting on it. I fully expect this to also increase the relative popularity of the government, because if times are good, I'm sure some of the credit will go to the government. I'm sure that will happen and I'm prepared for that. I know this.

But I'm afraid that with measures such as the one we have in front of us tonight, Bill 31, which raises the income tax rate and provides various other measures to increase the revenue, we are making it more difficult for the economic recovery to take real hold in this province and to move forward again to have a vibrant economy in this province.

1850

I should say—and I will shortly conclude my comments—that unfortunately this is not the only fiscal increase we're seeing. Just today, my leader in question period spoke about the increase in insurance rates that we're going to see because of measures by this government—up to 10% higher premiums.

We told the government that when it brought in its change on a system that was working very well—the member for Bruce was the minister at the time and he brought in a car insurance change that was working very well. I know there was a lot of objection at the time, but in my office at home, I know the people were satisfied and the insurance industry was telling me, and also the people who were involved in accidents. There were always some minor adjustments to be made, and I understand that. But certainly there was no need to make radical changes to a system that was not broken. What we're seeing now is that they tried to fix it and the result is that there's at least 10% higher premiums.

That's not the only increase, because on top of the premium increase itself there is of course the tax the Minister of Finance is levying on the premiums. So you're going to have higher premiums and then you're going to have a tax on top of those premiums. I'm already paying for those taxes on car insurance premiums, and that again is taking money out of our pockets and we are therefore able to spend less out there shopping and buying and helping the economy grow.

That measure of taxing insurance premiums is one that really is hurting the business community as well. I've received letters from the business community, from TriStan. That's a building contractor in my community, not an overly large one but a significant construction company in the Ottawa-Carleton area. They wrote to me a very, very touching letter, how difficult they find it

right now to cope when it is so difficult to find contracts they can bid on and can win; that even if they win some of the contracts, the offer has to be so low because of the fierce competition that they're hardly making any profit. They had to lay off, they wrote to me, more than 50% of their personnel. Why did they send this letter? Of course they have insurance for their personnel, and now they have to pay a tax on top of that insurance premium. They said: "Please, Treasurer, please do not do that. You are really driving that final nail into our coffin."

What are we saying tonight? In addition to all these fiscal measures that have been hurting the business community, Bill 31 is another very negative measure that will affect detrimentally the business climate and the economic climate in this province. I would urge the parliamentary assistant, if he has any clout with this government, to withdraw this bill in the interest of economic growth and in the interest of stimulating economic development in this province. I do think he is interested in economic development and I do think he wants to reduce unemployment. But I'm telling you, while we share the same objective, you're going about it the wrong way. That's the message I want to leave with the parliamentary assistant and with this House. I thank you, Madam Speaker, for the opportunity to address this matter.

The Acting Speaker: Questions and/or comments? Further debate?

Mr David Johnson (Don Mills): The member for Nepean has suggested that this bill be withdrawn. I notice the parliamentary assistant sitting over there and pondering that possibility. If he would agree to that, I'll just sit down and we needn't have any further debate.

Mr Pat Hayes (Essex-Kent): Sit down and we'll discuss it later.

Mr David Johnson: I think maybe I'll carry on, if that's the deal.

I can understand where this government is positioned and I can understand some of the difficulties it's facing. If we look at the last fiscal year, with revenues of \$42 billion and expenditures of \$54 billion, a deficit of \$12 billion, it's not a very pretty sight. I guess that's a general descriptor of the state of affairs, the budget, in the province of Ontario.

When they came into power back three years ago, they had promises. They had promises with regard to social programs, promises with regard to all sorts of programs that they felt compelled to keep. Indeed, during the boom years, 1985 to 1990, during the Peterson government years, the spending was very high, and during a period of time when there was the possibility—

Interjection.

Mr David Johnson: I didn't quite catch that.

Mr Stephen Owens (Scarborough Centre): Out of control.

Mr David Johnson: Out of control, yes. The member for Scarborough Centre is saying it's out of control, and he's right. During the Peterson years, the spending was out of control. There could well have been money set aside, I'm sure the member is saying, during those periods of time if there had been better control on the

spending. Instead of having some deficits during those periods of time, we could have had surpluses, we could have had a lower debt at this point in time and perhaps this government, in its situation, would have more flexibility.

Mr Owens: Come on over, Dave.

Mr David Johnson: You may not like the rest of what I have to say.

The member for Riverdale has indicated previously that there was a deficit the government inherited. There wasn't supposed to be one, there was supposed to be a surplus in 1990, but there wasn't, in fact there was a deficit, so there was a problem. But now, having inherited that problem, what do you do about it?

One way is to try to control your costs. That's what the business community would do, and that's what the people of the province of Ontario suggest should happen: Control your costs. Don't necessarily put taxes up but control your costs. Try to deal with the situation you have.

But is that what the government did? No, not early in the term. Again, spending is out of control. The member for Scarborough Centre might well say that during that period of time in 1991, again—

Mr Owens: Job retention.

Mr David Johnson: Oh, now it's job retention. When the Peterson government's in, it's spending out of control. When the NDP government's in, it's job retention. I see I'll have to learn the terminology.

But they tried to spend their way out of a recession, and tried, by spending, spending, spending, somehow to generate more revenue. But it didn't work and we went from having a foot in the quagmire to being right up to about here in the quagmire.

Hon Ms Churley: Reagan tried it the other way and it didn't work.

Mr David Johnson: Reagan is being blamed by the member for Riverdale. Well, I'll tell you that we're getting lots of advice here in the province of Ontario from organizations such as the chamber of commerce that suggest the key here is controlling the spending and not trying to spend your way out of a problem.

So we have a situation: taxes in the province of Ontario. It's interesting, I was looking at a chart. The source is the Fraser Institute. According to the Fraser Institute, in 1983 the total taxes for an average family in the province of Ontario, and by coincidence in Canada—the two are the same—were \$16,000: \$16,000 taxes for an average family in 1983.

What's happened since that time? Well, let's look at this past year, 1992. In Canada the taxes have gone up for that average family to \$23,000: from \$16,000 to \$23,000 for the average. Now, that's quite a boost, and it's no wonder the economy suffers when that happens.

But what's happened in Ontario? In Ontario the average taxes have gone up from \$16,000 per family to \$28,000 per family, \$5,000 more than the increase for the average family in Canada. So our taxes in the province of Ontario have gone up significantly more than the average

increase right across this country, and that's why we're facing the problems that we are today.

I look at the revenue for the province—

Interjection.

Mr David Johnson: I can't hear the member. He's going to have to heckle louder so I can hear him.

Mr Owens: I'm asking a question: Why have they gone up?

Mr David Johnson: Well, I'll tell you why they've gone up: Because the government is spending more. I have another chart here somewhere, if I can just find it here now. Here it is. Spending. The member wants to know why taxes have gone up. The government is spending in leaps and bounds. Between 1985 to 1992, a period of just seven years, the spending has gone up by \$23 billion, just on the operating budget. That's an increase of 85%.

1900

Mr Owens: Is that the Fraser Institute again?

Mr David Johnson: The member wants to know again, from 1985, \$27 billion, to 1992, \$50 billion. I'm talking about the operating budget of the province of Ontario, an increase of 85% in seven years, way over the rate of inflation. If we were to compare that with the rate of inflation during that period of time—because the member might say: "Well, look, sure spending's gone up, because everything costs more. Inflation has gone up and everything costs more so you have to spend more."

Mr Owens: Yes. Free trade costs, high interest rate costs.

Mr David Johnson: And the member carries on about free trade and other factors.

Mr David Turnbull (York Mills): It's always somebody else's fault.

Mr David Johnson: It's always somebody else, always somebody else to blame. But the fact is an 85% increase in the operating budget of the province of Ontario in seven years, a rate of increase way above and beyond the rate of inflation.

One of the outcomes of that is that of course we have a debt: a debt that's growing in the province of Ontario. The deficit last year was reported at \$11.9 billion. That means the spending was \$11.9 billion more than the revenue coming in. That's what was reported.

However, there's a little difference of opinion here, because the Provincial Auditor has had a look at this and the Provincial Auditor says it's higher than that; it's worse than that. It's worse than that by \$528 million, because there was an expenditure of \$528 million for teachers' pensions that was due in that last fiscal year and that payment was not made. The auditor says, "This time we're talking in excess of half a billion dollars, and that's too big to ignore." That \$528 million was too big to ignore, and that's why the province of Ontario has a difference of opinion with the auditor, and the auditor did not want to sign the books. I'm not sure if he's signed the books now or not, but in the first instance he refused to sign the books because he felt that was fudging the books. He still feels that's fudging the books, and

needless to say, we feel the same way.

So the deficit last year was not \$11.9 billion; it was \$12.4 billion.

Mr Owens: Even Turnbull can't take it. Look, you lost your audience there.

Mr David Johnson: Don't worry. He's there in spirit.

The Treasurer was asked that very question today, as a matter of fact, by our caucus. The Treasurer was asked this very question today: "Why don't you come clean with the deficit for last year? Why don't you come clean and tell the people of the province of Ontario that the real deficit is \$12.5 billion?"

What was the answer? Well, there was no answer. There was no answer whatsoever. There was talk about history. There was talk about the magnitude of what the deficit would be over the next fiscal year if we didn't have the social contract, if we didn't have the expenditure control program, if we didn't have a lot of the other so-called good things this government is doing. But why is the real deficit for 1992 not reported at its legitimate level of \$12.5 billion? There is no answer.

Madam Speaker—sorry, Mr Speaker now; there's been a change. Mr Speaker, in gathering some information, I was taken by an article in the *Toronto Star*, and perhaps the people listening may find this rather interesting, that taxes, according to the *Toronto Star*, have been raised by \$3 billion a year by the Ontario NDP. It says, "The Ontario NDP has raised taxes by \$3 billion a year, or \$663 for the average family since"—

Mr Len Wood (Cochrane North): What does that editorial say?

Mr David Johnson: It's not an editorial actually, to the member for Cochrane North.

Hon Allan Pilkey (Minister without Portfolio in Municipal Affairs): The member opposite.

Mr David Johnson: The member opposite, right. That takes in quite a number. It's not an editorial—you're not in your seat, right—it's an article, and it says \$663 for the average family since 1990. If the member is interested in what else it says, it goes on to say, "The increases in income taxes since 1990 here in Ontario have been higher than for any other province except one," that province being Newfoundland. Other than that, we have the highest increase in income taxes right here in the province of Ontario.

Interjection.

Mr David Johnson: Well, the member talks about transfer cuts, and the idea is to blame the federal government. I think what the member's saying is that we didn't get the amount of money from the federal government that we demanded. We got an increase. As a matter of fact, we got a whacking great increase, about 16%, because I've checked the number, and I was astounded, because I've been hearing from the members opposite that the federal government has not been fair with the provincial government and that the transfers from the provincial government have been cut. I was astounded to find out that in actual fact the transfer payments have gone up 16% in the last year, an increase of 16% from

the federal government to the province of Ontario. What happened was that it didn't go up beyond 16% to what the government would like, but it was an enormous increase.

Frankly, when you look at the situation we have with the federal government and the federal deficit, somebody has to put their foot down. Somebody has to say it's time to stop spending, we've got to get this deficit under control, and I believe that's what they attempted to do. Perhaps they didn't—well, for sure they didn't go far enough.

So what have we got here today? We've got Bill 31, the Income Tax Amendment Act, again to put taxes up in the province of Ontario. The personal income tax increase is going to be from 55% last year to 58% this year, except the situation is worse, because they're only going to collect taxes for half a year, so for that half a year the increase has to be doubled, up to 61%, to get the same amount of revenue. So if you're looking at your tax situation for the last half of this year, then you're looking at a 61% tax, six percentage points up, which actually works out to be about an 11% or 12% tax increase during that period of time. That's an enormous increase.

Is that enough, though? Will that raise enough money to pay for all the programs? The answer is no, it won't raise enough money. So we have a tax on a tax, and the tax on a tax is called the surtax, the Ontario personal income tax surtax, and again, the surtax, which is a tax on a tax, is also going to be increased. It is going up from 14% to 17% this year for those who pay income tax in the bracket of \$5,500 to \$8,000. If you pay over \$8,000, the surtax will be increased from 20% to 25%, and if you think that's bad, look forward to next year, because they have already announced more increases for 1994 where the surtax will go up to 20% on the lower bracket and it will go up to 30%—a 30% tax on a tax—for those paying income tax of over \$8,000.

So that's the government's solution to balancing the budget, but of course it won't balance the budget. If it did, then it might have some merit, but it won't even balance the budget. They're forecasting a deficit of—what is it officially now?—\$9.5 billion. I see the member nodding his head. Does the member believe it really will be \$9.5 billion?

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Hon Mr Pilkey: Certainly. I believe in Christmas, too.

Mr David Johnson: There was quote there but—at least Christmas too. I'm not sure your party believes in Christmas yet, but I'm glad the member for Oshawa—is that right?

Hon Mr Pilkey: Yes.

Mr David Johnson: I know that's where you were mayor, back a few years ago, and you probably wish you still were mayor.

Hon Mr Pilkey: That's a rhetorical comment on your behalf.

Mr David Johnson: That's rhetorical comment.

What does this do to our tax rate in the province of Ontario? At one time, a few years ago, we enjoyed a

competitive advantage in our tax structure vis-à-vis most of the other provinces.' This is essential, because it's important for our business community to promote business growth, to have economic development for job creation, that we have a tax structure that is competitive. What's happened through these series of tax increases, including this one right now?

The net result will be that next year, at 53.2% we will have the highest marginal tax rate in Canada. Ontario will have the highest marginal tax rate in all of Canada. Indeed, the honour, if you can call it an honour, goes beyond that. That marginal tax rate will be the highest in the whole world, except for two countries among the major industrialized nations. Except for Japan and France, that marginal tax rate of 52.4% this year, actually, will be the highest in the industrialized world.

That, I'm sure, is a situation that we cannot be proud of. I'm embarrassed to stand here and to say that's the truth. It certainly is time that we recognized the impact that this is having on our economy. I hope that we have some resolve to deal with that, some resolve to say that this is bogging down our economy, this is being harmful.

It's not just me standing here and saying it and it's not just the members of the Progressive Conservative caucus standing here and saying that; the Metropolitan Toronto Board of Trade is saying that. The Metropolitan Toronto Board of Trade has written to us, expressing concern and saying this will kill jobs. The Conference Board of Ontario and the Ontario Chamber of Commerce have gone on record, not surprisingly, and they've said that the tax increases are unconscionable and they have said that they will seriously damage Ontario's modest economic recovery.

We are dependent on that economic recovery for job creation and to pay for the services that we want to give the people of the province of Ontario. But what's happened to that economic recovery? It was forecast to be 3.4% over the next year. What's happened now? What's the latest forecast? The latest forecast, I believe, now—and I look at the parliamentary assistant—is, I think, 2.4% economic growth. It's down one percentage point from the original estimate.

The economy is not picking up at the pace that we had hoped. Why? If you listen to the conference board, if you listen to the Ontario Chamber of Commerce, if you listen to the Metropolitan Toronto Board of Trade, they'll say that one factor—there are other factors—is certainly the level of taxation we have in the province of Ontario and the tax increases that we have in the province of Ontario that are contained here in Bill 31.

Another offshoot of the tax increases is not only a dampening of the economic recovery, a loss of jobs, jobs that we need when we have an unemployment rate in the province of Ontario of somewhere around 11%; when we have, just here in Metropolitan Toronto, some 220,000 people dependent on welfare when we desperately need the economy to move, get people back to work. That's the major effect.

But there's another effect. It's called the underground economy. What's happening is that businesses are saying: "These taxes are nuts. They're not reasonable to pay."

They're avoiding paying taxes. They're starting to avoid paying taxes.

It was interesting that the Ontario Home Builders' Association made a deputation to a committee here just two or three weeks ago, or perhaps a month ago. The home builders' association said that the province is losing \$1 billion in tax revenue in the home building industry alone because people think that the levels of taxes we have here are just excessive and they are avoiding them.

They feel now it's okay—I'm not condoning this, mind you—but they feel now it's okay to avoid taxes because the taxes are unreasonable.

Forty one per cent of the home renovation market is underground; 17% of the new home market has gone underground. That's just in the home building industry.

We know about what's happening with the sin taxes, what's happening to tobacco sales and liquor sales. Tobacco sales across the country: \$1.5 billion in lost revenue on tobacco sales because the taxes are enormous. The same with liquor. In the province of Ontario we're losing almost \$750 million a year because of illegal tobacco and alcohol sales.

It becomes counterproductive. What's happening is that the government, through this bill, is putting the taxes up and up and up; various taxes are going up. But the more they put them up, actually the less revenue that comes in because people realize that this doesn't make sense any more. Our economy can't work with this burden of taxes. So they avoid the taxes and they don't pay them any more and then we all lose.

I gather my time is somewhat limited here and perhaps I'll wrap up shortly because I think I'm restricted to somewhere around 20 minutes and I believe I've taken a little bit more than that already.

But I find it interesting that this as a general approach by this government to, rather than contain costs, try to get more ways of taxing and more ways of increasing charges, fees and licences. More ways to get money out of people's pockets, that's the approach, rather than trying to look at ways to manage better.

We know that in our health system, in our welfare system, in the workers' compensation system—which we don't pay for directly out of operating costs but which I suspect some day we will, given the huge unfunded liability in the workers' compensation system.

We know of this fraud that's there but rather than try to manage better, rather than try to control costs, the approach is to put taxes up, to put fees up, to put permits up. There are some small examples that just show the sort of approach: cemetery licences. Formerly you didn't have to pay for a cemetery licence in the province of Ontario, for a new cemetery; now it's \$200. Just one little fee. Theatre licences. Apprentice projectionist: three years ago it was \$17 for a licence; now it's \$25. Athletic registrations: wrestlers. Believe it or not, wrestlers had to pay a registration of \$5 in the province of Ontario three years ago. That wasn't a bad deal.

Mrs Margaret Marland (Mississauga South): What do they have to pay now?

Mr David Johnson: The member for Mississauga

South says, "What do they have to pay now?" They have to pay \$50 now. What kind of increase is that when you work it out on a percentage basis?

Hon Mr Pilkey: You should have to pay 150 bucks to watch that stuff.

Mr David Johnson: The member for Oshawa says you should have to pay \$150 to watch. Actually, it's a very popular sport from what I understand.

Interjections.

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Mr David Johnson: The member for Mississauga South is wondering about the fee increases for wrestlers. What's happened to the fee increase for what they call seconds, associated with the wrestlers? It's gone from \$2 to \$50 in just three years.

Thoroughbred racing: The member for casinos sitting across the way will I hope be aware of this, that the horse racing industry in this province is under extreme duress. Here in Ontario the horse racing industry is taxed about as high as anywhere in North America. The government derives a great deal of revenue out of the horse racing industry as compared to any other jurisdiction in North America and yet the licence fees go up and up and up. A jockey—a jockey had to pay \$50 for a licence fee three years ago—\$63 this year. The fee goes up. This is the kind of approach that the government is taking.

So my time has come to an end, but I just hope that the combined voices of the opposition and the business community and the people of the province of Ontario will get through to this government at some point and that—well, they certainly will in the next election, but hopefully before then, and get the message that there's got to be another way to manage our economy at all levels of government. We can't be putting taxes up more and more. We can't be putting fees, permits, licences. It's not the way to govern. We've come to our limit. We've hit the wall and now's the time to back off from these kinds of increases.

Mr Callahan: This is a bill which is a tax bill of course, and I have to say on behalf of the residents of Brampton South, they're against any further taxes. This government has literally placed the residents of my community, particularly the middle class and the small businesses, in total disarray. They were not able to deal with the taxes that were in place before, but every time they turn around, there are taxes.

They've increased the probate fees, which now make dying an expensive proposition. They've increased the costs of wanting to close a real estate deal. They make it now \$50 to register every instrument, to make it \$11 for a name. The disbursements alone in a real estate deal can cost you well in the neighbourhood of \$200 or \$300 and you're expecting young people in this community to buy their first homes. The Minister of Finance has said that he's not going to extend the period of the OHOSP program, which was for first home buyers. All of these things that the NDP government is doing is simply a tax grab.

Photo-radar—I know I'm off topic—but photo-radar is nothing more than a tax grab. Every time the people of

this province turn around there are taxes being grabbed out of their pocket by the Minister of Finance and the Minister of Finance can't show us one beneficial thing from it because the deficit still continues to be just as high as it was before.

Social contract: I know people in the labour movement who have had to change their entire existence. They've had to take their plans for accommodating themselves in terms of finances for their house and turn it all around simply because of the social contract. You people should be ashamed of yourselves. All you do is grab money and you can't possibly account for it. You always figure that if there are cheques still left in the chequebook, we've got money in the bank. Well, I've got news for you. The people of this province will tell you in 1995 that you people are totally out of order.

Mrs Marland: I want to congratulate the former mayor of East York, the now member for Don Mills, on his excellent commentary on this particular piece of legislation.

Actually it's very difficult for us to get up and talk yet once again on another bill that takes money out of the pockets of the people of this province. You know, the irony is that no matter how much money this government has, it's still going to mismanage it.

One area that I have received a large number of telephone calls and letters with tremendous concern and complaints is the fact that in this economic climate, they are charging this \$50 fee for refiling their business information. Their business information. Just so the government can redo their bookkeeping and their records, it costs \$50 to businesses at a time when they just don't have any extra cash left over.

I think if we could see a return from this government for the money they already have, without added tax bills, we might have been able to see an extension of the OHOSP program, the Ontario home ownership savings plan. I've received letters from a large number of people on that, not the least of which from Diane Kalenchuk, who is a realtor with the NRS Realty Centre Inc in Mississauga. She's a very hardworking community member in a number of organizations in Mississauga, and on behalf of her clients she's asking for an extension of the OHOSP program. We still have to know from the government whether or not they're giving that serious consideration.

Mr Norman W. Sterling (Carleton): I think it's important to listen to the advice of Mr Johnson, the member for Don Mills. Mr Johnson, as the member for Mississauga South noted, is the former mayor of the city of East York in Metropolitan Toronto, and I think it's important to know that when he's talking about government spending and being frugal with regard to the taxpayers' money, he has demonstrated that in practice. There are not too many politicians who can come to this place and say, "I practised what I'm preaching today."

David Johnson, the member for Don Mills, in his last year as the mayor for East York had a 0% increase in terms of taxes for citizens in his area. I think that's a very, very substantial achievement on his part since the city of East York, as you know, Mr Speaker, is a city

which is not expanding at a rapid rate because it is basically a city which is already totally urbanized or nearly totally urbanized. Therefore, in order to produce the revenue, the city of East York didn't have the opportunity to create new development, a new assessment base, in order to provide more dollars. He was able to guide that city through a very prudent fiscal exercise, and I think that when he talks about this provincial government and former provincial governments overspending, he ought to be listened to.

Hon Mr Pilkey: In response to the member for Brampton South, who acknowledged that he had great concerns with respect to many of his constituencies as a result of tax bills that were prompted by this particular government, I wouldn't have thought that should have come as any particular surprise to him as a member of a government that brought fully 33 new taxes to the people of Ontario while they were the government and, as well, left what was supposed to be a balanced operating budget here to the people of Ontario when we were elected, only to find from the audited books that it was somewhere around \$3 billion in the hole. So I can appreciate how the member for Brampton South would have an interest in this item, because he would relate very well to it indeed.

With respect, as well, the member for Don Mills indicated that he was quite concerned with respect to any increases in provincial income tax. I can well appreciate that and, more particularly, I can particularly appreciate his comment that he felt somewhat embarrassed because the projected deficit of this government was going to rise from \$9.2 billion to \$9.5 billion, an increase of \$300 million. Of course, if he was going to feel embarrassed about that, am I ever pleased for his sake that he wasn't a member of the federal Conservative Parliament in the House of Commons, where their deficit increased from a projected \$32 billion to \$46 billion. So one need not be embarrassed in the least with such a small modicum of increase in the projected deficit here in the province of Ontario.

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In terms of the municipalities, I must say in all objectivity that of course for the member for Don Mills and myself, the member for Oshawa, in our previous professions as mayors of municipalities, it should be reminded that we did both jointly benefit from provincial transfers—

The Deputy Speaker (Mr Gilles E. Morin): Thank you. The time has expired.

Hon Mr Pilkey: —from these respective governments.

The Deputy Speaker: The member for Don Mills, you have two minutes.

Mr David Johnson: I thank the member for Brampton South for his comments, particularly about photo-radar being a tax grab. Certainly the member for York Mills has been saying this over and over and over again, and we concur with you. That's exactly what photo-radar is.

The member for Mississauga South has raised the issue of the filing fee, and I thank her. The filing fee doesn't

only pertain to what we consider to be typical businesses in the province of Ontario. The filing fee pertains to some hospitals, churches, synagogues, service clubs, credit unions which are caught in the net of this \$50 filing fee. But why do we need this filing fee? What service are these businesses getting?

Mr Harnick: It's a tax grab.

Mr David Johnson: A tax grab. The member for Willowdale says it's a tax grab. That's exactly what it is, another tax grab, and I thank the member for Mississauga South for raising that.

The member for Carleton has raised the situation that we faced in the borough of East York, and I thank the member for Carleton for reminding me about that. This year we decided that this was no time for tax increases. As a matter of fact, we went beyond that. Not only did we have a 0% tax increase, but we rolled back our fees to the business community. We said there will be no planning fees, no building fees, no parkland dedication fees: no fees.

Why did we do this? Well, we did it for the opposite reason of what this government is doing. We said we need to be friendly to the business community. We need to promote business. We need to have economic growth. We've got an Aikenhead's hardware store coming in, one of the big ones, 125,000 square feet, as a result of that policy, and it's going to attract more and more business. So it's working. If you put your fees down, it actually works.

Thanks to the member for Oshawa. My suggestion is that the deficit will be at least \$12 billion, not \$9.5 billion, by the end of this year.

The Deputy Speaker: Thank you. Your time has expired. Further debate?

Mr Sterling: This bill goes back to the 1992 budget, and at that point in time I was the finance and economic affairs critic, the economic critic for this party.

Mr Stockwell: And a darn good one, I might add.

Mr Sterling: I brought along my cheering group here with me. I just thought I'd make a few remarks because I had a great deal of interest in the issue at that time, and I remain to have a great deal of interest in the issue.

I can remember sitting with the Liberal finance critic, along with the member for Etobicoke West, who had a great interest in this issue, and we kept reading the financial and the economic outlook in each year of the budget that was put forward by the Treasurer, Mr Laughren. We kept looking at each other and we said to each other, "Do they know something we don't know?" Because when we were going back out into our ridings and talking to people on the street, talking to business people, we couldn't believe the optimism of not only the Treasurer but, quite frankly, a number of economists whom the Treasurer was getting advice from. It just didn't seem to jibe with the kind of information we were pulling off the street.

I think in fairness to the Treasurer, he has to be somewhat optimistic in his forecast. I don't think it's politically palatable or probably acceptable for a Treasurer to be overly pessimistic in his outlook for the

economy of the province. But I do believe that over the past three years, neither economists nor the Treasurer have been proven anywhere near accurate in terms of their estimation of how much the economy was going to grow in the next year.

One of the things you did learn when you sat on the standing committee on finance and economic affairs was that all of those who came in front of the committee, usually representing banks, representing large business, had a vested interest in predicting an optimistic future for all of us. It was kind of nice to hear, but reality, in hindsight, proved them somewhat wrong.

I think if you went back 10 years ago and looked at the relative income tax rates across this country, you would find that Ontario, which combines its income tax with our federal government, Canada—our combined rate gave an advantage to people who worked and lived in our province of about 10% vis-à-vis the province of Quebec. I know that and I understand that, because people used to make the decision as to whether they would live on the west side of the Ottawa River or the east side of the river sometimes on the basis—it would be part and parcel of their decision—of how much tax they were going to pay. I understand that, because after you get your paycheque and you take off the tax, that's all you've got left to spend on other things which you want for yourself and your family.

In that 10-year period, we have grown to be very, very close to the Quebec tax rate. Now we cannot offer very, very good people who are coming to the Ottawa Valley area any financial incentive to live in Ontario versus the province of Quebec. I'm talking about personal income tax.

I also want to say that when you look at comparative income tax rates for other provinces in dealing with corporate income tax rates, Ontario's corporate income tax rate is 22% at one rate and goes up to 38%, whereas the province of Quebec is at 17% and goes to 32%. When you look at another kind of income, the rates have the same kind of gap of about five percentage points in one case and about seven or eight percentage points in another case.

Now, while the NDP doesn't believe perhaps that people who invest money invest it in order to gain a return or a profit on the money they've put out, that's in fact what people do invest their money for. I know, Mr Speaker, you have had a former life in the financial world and I know you understand that very much. Therefore, the money for the investment in new businesses and new jobs, getting the good people to live in your jurisdiction, in a lot of ways depends upon the tax structure which your government sets.

That's why in my party, when we talk about taxation rates, we not only say, "What do we need on the revenue side and what are we spending?" You also have to look at the jurisdictions that surround you and the jurisdictions which you are competing against in order to strike your taxation rates. I think one of the reasons we have seen such a growth of the underground economy is the fact that governments of Ontario have continued to act in isolation in setting taxation policy.

Applause.

Mr Sterling: Thank you very much. I thought that was a salient point myself.

The fact of the matter is that one of the most distasteful parts of Bill 31, and I don't think any other speaker has talked about this, is the fact that in 1992, Floyd Laughren, representing the party which was defending the little guy—I've heard Mr Owens talk about, "This party defends the little guy." What did Floyd Laughren come in and do? He taxed the guy making \$10,000 a year. They taxed people who are making \$20,000 a year. They took \$45 away from these individuals.

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If you're going to tax in terms of fairness and what we heard, so much rhetoric, in terms of this government, about fairness to people who are not earning a lot—often people call them the working poor. I think people should be encouraged to work. I think people should be encouraged to get off social assistance wherever possible.

What does this government do? It not only says the present taxes aren't enough; it hits somebody making \$20,000 a year with \$45 worth of tax. To somebody who is earning \$60,000 a year, who is earning more than \$60,000 a year, \$45 isn't all that much to ask by the government. But if somebody's earning \$20,000 a year, I'll tell you, \$45 is a lot of money. It is really taking money off the food table, because that's probably where that money will be found, because people in that position don't have the same kinds of options as somebody who is earning \$50,000 or \$60,000 a year.

It's also important to point out that back in 1988 and 1987 the federal government, in revamping our taxation structure, decided as many European countries have decided, that in order to keep good people in this country it was going to be necessary to drop personal income tax rates.

Sweden, one of the most socialized countries in the world, and of course in Europe, decided to drop its income tax rates, I believe, from something in excess of 60% down to around the 30% range. They did that because they were losing their good people to other countries.

If we continue to hit income tax—

Hon Mr Pouliot: Where are you going to go? I guess you will stay.

Mr Sterling: You can go to a lot of other provinces which have lower income tax rates. You can go to the province of Alberta. No sales tax as well.

Hon Mr Pouliot: Oh, Mr Klein. Ralph.

Mr Sterling: Ralph and the Alberta government have a lot lower taxes than we have here.

Hon Mr Pouliot: What does Ralph have to say if you make \$41,500 and you want to go on welfare? Does he say the same thing as your leader? Your leader said it, press conference and all.

Mr Sterling: The member over here is concerned because his government and the previous government set up a social welfare system which is attracting people who are making substantial income to stop working and going

on to social assistance.

Hon Mr Pouliot: I know the way you guys lived when you were here. I know the kind of food you ate.

The Deputy Speaker: The member for Lake Nipigon, order please.

Mr Sterling: This is upsetting the Minister of Transportation.

Interjections.

The Deputy Speaker: Order. The member for Carleton, you have the floor.

Mr Chris Stockwell (Etobicoke West): On a point of order, Mr Speaker: I think we should have a quorum here to hear this lousy heckling done by the member for Lake Nipigon.

The Deputy Speaker: Would you please verify if there is a quorum.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Senior Clerk Assistant and Clerk of Journals: A quorum is now present, Speaker.

The Deputy Speaker: The member for Carleton.

Mr Sterling: I'm sorry if there was an interruption to my remarks. As I was indicating, our taxation structure—I think the most important part for a future government which would take over the reins, hopefully in 1995, would be for that government to be aware of the surrounding tax structures that it is competing against.

We have seen over the past year or year and a half in particular where perhaps—and you're talking to a person who has pleaded with governments before to raise things like tobacco taxes—we have caused a problem by raising tobacco taxes to the level we have. Because of that, we have encouraged the underground economy to flourish in terms of the sale of tobacco. I think that's a good example of one tax which has turned into a very visible underground economy which you can find on just about any backstreet and, unfortunately, in a lot of school yards across the province of Ontario.

What this government has not done is to recognize that it's necessary to have a competitive income tax system as well. We must be aware of what income taxes are being paid in other jurisdictions in order to keep our good people.

When I'm talking about good people, I'm not talking about keeping lawyers and accountants necessarily, because quite frankly lawyers and accountants are people who we can, in a perfect world, perhaps get along without. We need them for certain things, but they're not really the drivers, in my view, of the primary wealth of our province.

I'm concerned, particularly representing a high-tech area around the city of Kanata, that we are able to keep those very skilled engineers and scientists who are providing a tremendous impetus or boost to our telecommunications industry and a number of other high-tech industries which are providing a lot of taxes for our government and a lot of jobs for our people.

One of the problems in terms of this tax increase, as I mentioned before, is that it hits the little guy, the guy earning \$20,000. This government's supposed to be concerned about the small guy. We really see them showing their stuff when they hit a little guy up for a tax increase of \$45, a guy earning \$20,000.

As I was saying before there was a quorum call, back in 1988 and 1987, the former federal government recognized this concern about having competitive income tax rates, so it chopped three or four points off the income tax rate. They said we should shift the method of taxation to another method.

That was supposed to be sort of the quid pro quo for that now infamous tax, the GST, which everybody just loves, as you know. But of course what they did, and which was a bit of a failure on their part, was that they gave the points off the federal income tax in order to drop the overall rate of income tax about a year before they brought in the GST. By the time they brought in the GST, everybody had forgotten what they gave on the income tax. What happened immediately thereafter was that Bob Nixon, the Liberal Treasurer—for every point the federal income tax was knocked down, guess who picked it up immediately? Bob Nixon.

We had a situation where we had the federal government espousing one kind of taxation policy and the provincial Liberal government of the day espousing another. As soon as the feds would give a little bit of a break, the province picked it up. Quite frankly, they sort of, I guess, helped the hostility towards the replacement tax, the GST, which was the replacement for the manufacturers' sales tax as well as a couple of the points on the income tax, as I understand it.

Anyway, that whole idea of lowering personal income tax has now been lost and governments are continuing to raise the income tax from time to time.

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I think the danger point is going to come in terms of all this taxation and the attraction of moving to the south for people who are particularly technically oriented and don't rely on our jurisdiction for work and who can sell their skills in any kind of jurisdiction and are very valuable people. I'm talking about engineers, scientists, mathematicians and computer people. What I'm concerned about is that if the United States goes ahead with a fairly comprehensive medical coverage plan, one of the greatest levers in keeping people here in Canada and in Ontario will have gone. I think that at that time we will suffer a fair amount of bleeding of people who are very skilful and very valuable to our economy.

The other important thing to remember is that as these provincial governments amass more and more debt—I think when we left government in 1985 the total debt was around \$30 billion. I believe after this year it will be something like \$75 billion or \$80 billion.

I was interested in knowing what the situation was vis-à-vis the state governments in the United States. I asked what the situation was in the United States and I got a printout. I believe there are 22 states that have a balanced budget constitutional requirement, so there are

22 states that have to balance their budget each year. It's interesting to note on the accumulation of all the states of the United States, all 50 of them, that there is a surplus of about \$2 billion total. That's on an expenditure of about \$301 billion in total.

On the competitive scale, with our province accumulating a debt of \$80 billion—I don't care whose problem it is; I'm just talking about the competitive situation we're going to be in in the next five or 10 years—it's going to be very difficult for us to compete with these other states in the United States that aren't dragging this kind of debt load that we are presently dragging. It's going to be a very tough time.

It also is going to mean, where are the higher taxes going to come from in the future? If a person is looking to their future, are they going to stay in the province of Ontario or are they going to move to another jurisdiction? People are going to start to look at what the cumulative financial picture is for each of those jurisdictions they live in. Quite frankly, we do not rank very well with any one of the other 50 states. Very few of them have any kind of debt at all.

Hon Mr Pilkey: Because the feds aren't giving us our fair share.

Mr Sterling: I hear from across the way that the feds aren't giving us our fair share. I'm somewhat bemused by the whole NDP idea that we should encourage our federal government to get itself involved in more provincial programs. The Minister of Transportation over here I'm sure would love to receive a cheque from the federal government to build some roads. It would be okay if the federal government were sitting there with a big bank account, but it's not. We know they have a debt of something like \$400 billion to \$450 billion.

In the last federal election there was a promise that they were going to give \$2 billion over the next three years for roads and infrastructure and that kind of thing. I've talked to the Treasurer personally on this basis, and I've got to tell you this, Mr Minister of Transportation, if you don't get \$800 million of that \$2 billion, you've lost.

If we don't get \$800 million-plus, we've lost, because guess where the \$800 million is going to come from. It's going to come from our taxpayers, our residents. You have to collect the \$2 billion from somebody. You know where it's going to come from? It's going to come from our taxpayers. So if the federal government spends \$2 billion, it's going to have to collect something like \$850 million from the same taxpayers as this government is raising the income taxes under Bill 31 on.

We're net losers in terms of this program unless we get \$800 million to \$850 million out of that federal program over the next three years. I hope we get some money for Highway 416. I'll be fighting along with every other member here to get that money, because we've got to get \$800 million or \$850 million. If you get a penny less, you're going to hear from me, because we're going to be net losers. The Treasurer agrees with me on that, that we will be net losers probably.

Now, you remember, the Minister of Transportation went up to Ottawa under the last government and he said,

"You've got to bring forward a program for rebuilding the roads." Then the government came down and said, "Okay, you're going to get 15%." The Treasurer stood in this House and he said, "But 15% in this program is not fair when we're paying 43% of the costs of the program," because that's what we pay for it.

My question is, to the Minister of Transportation and the government, why encourage the federal government to get involved with more programs and more spending programs? Because our poor taxpayers are going to have to pay for it. You can see, if we have 30% to 33% of the population, fat chance that we're going to get 40% to 43% of the money. No way. So every time we ask the federal government to create new programs, we lose.

Now, I heard from one of the members across here as well, "What about how much we're getting from the federal government?" I understand, if you look at the budget from last year, this year, the present, is up 16%. That's what the transfers are up: 16%. They argue that isn't enough. I guess I'd argue it wasn't enough. It's up 16%, and that's coming from a government that has a deficit of \$43 billion, \$44 billion.

Mr Anthony Perruzza (Downsview): Are you using Mike's calculator?

Mr Sterling: No, that's what's in your report. That's what's in the Treasurer's report. It's up 16%, the transfers.

Mr Perruzza: The batteries ran out on that sucker a long time ago.

Mr Jim Wiseman (Durham West): What are the welfare costs up, Norm?

Mr Sterling: The welfare costs are up, but that's our problem. The welfare costs are our problem. We have control over that. If this government would bring in meaningful welfare reform, presumably we could take care of that as well.

There's a dilemma here. When we heard Paul Martin, the new Finance minister for the federal government, talk about this, he's talking about cutting back transfer payments. The federal Conservative Party, which this government criticized so often in the past, never cut back; it always increased. It just didn't increase as much as they would have liked it to have increased.

Mr Owens: What is that?

Mr Sterling: It went up by 6%. It went up by more than inflation every year, and I challenge any member across the way to sit down and debate the actual figures with me. That's true.

The fact of the matter is today we're talking about a problem of tax upon tax upon tax. As we know, the former Liberal government, during the really good times, when revenues were going up without increasing taxes, decided to increase taxes 33 separate times. I think this government is probably approaching that same kind of figure at this time. I know, as of the 1992 budget, the total tax changes and tax increases were up to about 22 times.

I want to say that we will be opposing this tax increase, and we are particularly concerned about the fact

that the party of the small guy hit the small guy up with this tax increase.

Hon Mr Pouliot: You couldn't care less about the little guy.

Mr Harnick: Only you care. Only the NDP care. Look at all the support they're getting from the small guy. It's just rolling in.

2000

Mr Sterling: Yes, only the NDP care about the small guy. They promise the small guy all of these things and they never deliver. When they get in power they tax the small guy. When they get in power they give him higher auto insurance premiums when they promised him lower auto insurance premiums. This government hasn't done anything for the little guy but hit him up with everybody else. They haven't helped the small guy who is trying to go out there and earn a living.

They are going to cancel the OHOSP program, which helped the small guy get a down payment for his house. They're going to cancel that as well this year, which only helped small-income earners. That wasn't for people who were earning \$30,000 and \$40,000; that was for people who were earning \$20,000 and \$30,000. What are you going to do? Scrap that program. That's a great thing to help the small guy.

I think this tax is a terrible increase in tax. It's going to discourage people from working. It's going to discourage people from staying in our province and donating their resources to our province in terms of their work. Therefore, we will have no hesitation in voting against this on second reading.

Mr Wiseman: I am pleased to respond to the member for Carleton because some of the numbers that he has thrown out here leave a little bit to be desired. It should be pointed out that in the December 13 issue of Maclean's there is a very good chart of the fiscal ability of the Tory party in that when they took power in 1984 there was a \$206-billion debt created by their Liberal predecessors. In an era of what you would consider prosperity from 1984, and especially 1987, 1988, 1989 when the economy was booming, they were able to grow that to \$511 billion, a total of \$305 billion. So it's an interesting lecture.

The other point I'd like to make is that the Canada assistance program called for 50-50 dollars; in other words, the province would be matched 50 cents from the federal government with 50 cents from the provincial. Unilaterally, the federal Tories decided to change that and greatly discriminated against Ontario, which now receives about 28 cents. That 50-50 sharing is gone. It's still being done for other provinces but Ontario is being left out in the cold. There's some indication that perhaps that will also be inflicted on us by their Liberal successors.

But what is interesting is that they allowed to stay in the Bank of Canada John Crow, who raised interest rates unnecessarily, drove businesses out of Canada and put thousands and thousands of people out of work. They also signed a free trade deal and a North American free trade deal that makes it almost impossible for Ontario businesses to compete with right-to-work states and with

almost slave-labour wages in Mexico where they only make about a dollar an hour.

They have no point to lecture us.

The Deputy Speaker: Thank you. Time has expired. Questions and comments? The member for Mississauga South.

Mrs Marland: I almost wish that the people of this province would decide to have an uprising against this government and their policies for taxation. And that's what this bill is all about. A little earlier this evening—

The Deputy Speaker: Point of order, Minister. The member for Mississauga South, there is a point of order.

Hon Mr Pouliot: If I heard correctly, I'm shaken, Mr Speaker. If I heard correctly, the member for Mississauga was inciting, was inviting people to think of the worst, because she mentioned and I heard very distinctly—

The Deputy Speaker: Please take your seat. This is not a point of order. Please. I will now recognize the member for Mississauga South.

Mrs Marland: Again we have an example of a double standard. I recall this government inciting the people of this province to have an uprising against the free trade agreement. It's funny, isn't it, how there's different things said on different sides of the House. And certainly against GST they were suggesting that.

But what I wanted to say is, further to the discussion of the Ontario home ownership savings plan, another person who wrote to me on this is Mrs Paddy Cooper, who is the manager of the Royal LePage Real Estate Services in my riding on Lakeshore Road in Mississauga. She is not pleading on her own behalf, she is pleading on behalf of all the young people in this province who are trying to buy their first home. This government doesn't care about that. All this government cares about is building and owning more bricks and mortar in a non-profit housing corporation system that the taxpayers of this province cannot afford.

This is an outrage and I wish the people would take into their own hands.

The Deputy Speaker: Thank you. Your time has expired.

Mr Perruzza: I just want to respond very briefly to a couple of the comments that were made in reference to how the former Conservative federal government has treated the province of Ontario. I only need make my point by referring back to an editorial that was written two days ago in the Toronto Star. You will know, Mr Speaker, in your good judgement that the Star is no friend of ours, certainly not the editors of the Star.

Do you know what was really interesting? In the Toronto Star, picture this editorial in the Star, referring to a study done by some university professors in an analysis of federal government economic policies and the impact of federal Conservative government economic policies, and then to hear lectures from them to us about management and mismanagement.

When you refer to a university professors' study on the impact of federal government economic policies, they're directly attributing to the Conservative federal govern-

ment for their monetary policies and the Bank of Canada's monetary policies the loss of over 500,000 jobs. The loss of over 500,000 jobs in the middle of this recession is attributed by university professors to the policies of the federal Conservative government: 529,000 jobs directly attributed to the federal Conservative government. Don't you lecture us about mismanagement. Look to yourselves and to your friends.

The Deputy Speaker: Thank you. Your time has expired. The member for Brampton South.

Mr Callahan: I think it's most unfair—

Interjections.

Mr Callahan: Can we stop the clock?

The Deputy Speaker: Order, the member for Willowdale, the member for Etobicoke West. Order, please.

Interjection.

The Deputy Speaker: Order, the member for York Mills.

Interjections.

The Deputy Speaker: It's your time. The member for Downsview, you just had the floor. The member for Brampton South.

Interjections.

The Deputy Speaker: Order. Would you prefer to go outside? Order. The member for Brampton South.

Mr Callahan: In this House the New Democratic Party controls the House and delays and cuts down on speeches in a democratic fashion, but I think it's interesting that the member for Downsview would attack these people over here in the Conservative Party. I mean, who picks on two people? That's all they got is two people. Who picks on them?

I'd like to say that the Transportation minister is here, and this is a tax bill just like photo-radar, and Ed Fulton, who was the Minister of Transportation in our good government, would never have thought of bringing in something as draconian or as nasty as the bill that has been brought in by the present Minister of Transportation. It's a total tax grab.

Interjection: Let's bring Ed Fulton back.

Mr Callahan: I think Ed Fulton should be brought back. Ed was a fine gentleman. He was an honest and good minister and he would never pass a piece of legislation like this draconian legislation that just grabs money out of the pockets of people.

The Deputy Speaker: The member for Carleton, you have two minutes.

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Mr Sterling: I see I did generate a little bit of interest anyway in this topic. I'm not here to defend the federal government, be it the former Liberal government or the former Conservative government. I only wanted to put the facts forward, and the facts are that transfer payments increased, as I said in my speech. I know this government didn't consider that enough. That's too bad.

This government cut transfer payments to the cities and the municipalities across this province unilaterally,

without consultation, after their budgets were in place; made a number of cuts in their transfer payments. So they can't talk about the lack of transfer payments, which I say increased last year by a percentage of 16%. Everybody has to hunker down when the times are tough, and the fact of the matter is that this government hasn't been willing to hunker down.

Mr Callahan: They don't know how.

Mr Sterling: You're right. The member from Brampton says they don't know how to do it. We went through an exercise this past summer which was supposed to have saved the taxpayers a great deal of money. I don't believe it, because what they did was to inflate their spending by saying, "We were going to spend \$17 billion, and now we've knocked that down to \$9 billion or \$10 billion or \$11 billion." Nobody believes it was \$17 billion to begin with. These people are such bad managers in terms of the fiscal responsibilities of this province that it will be very, very difficult for the next government to pick up the pieces and put it back together again.

The Acting Speaker (Mr Noble Villeneuve): I wish to thank the honourable member for his response. Further debate?

Hon Mr Pilkey: The member opposite indicated that he only wanted to talk to facts. I agree with him, and I'd like to recount just a few of them. The fact of the matter is that the government, through this bill and through its taxation policies, only wants its fair share. It doesn't seek any more, nor does it seek any less.

The member opposite, I believe, had joined the government in the last couple of weeks in supporting our moves in terms of the situation where our Ontario construction workers were disadvantaged vis-à-vis the province of Quebec and we had to take action to make it fair.

As the member for Durham West indicated in his remarks, the province of Ontario was not receiving its fair share of the Canada assistance program. Again, we only wanted our fair share.

The facts of the matter are that the former federal government is paying somewhere around 33 cents out of every revenue dollar to the tax deficit and to debt repayment, while we here in Ontario are only paying 13 cents on our revenue dollar to debt repayment. If we had not brought the deficit under control, as our federal counterparts had not, we would have risen within the next two years to 26 cents on the dollar, and that would have very dramatically curtailed our ability to continue to provide health care, education, transportation and myriad services that Ontario people continue to expect to receive.

I simply want to indicate that those are the facts, and we bear up under any comparison.

Interjections.

The Acting Speaker: Order.

Mr Callahan: On a point of privilege, Mr Speaker: I think it's absolutely outrageous that this government has brought in time allocation or closure more times than any other government in history, and now we see—

The Acting Speaker: That's not a point of order; I'm sorry. Would the member please take his seat. The honourable minister of the crown, the member for Oshawa, has the floor. I would like to remind him to stay on topic, please.

Hon Mr Pilkey: Mr Speaker, I certainly concur with you that I did, and I do not have further comments with respect to the item.

The Acting Speaker: Questions or comments?

Mrs Marland: We have just witnessed something rather unique in this House. We are in a time-allocated debate, which means the government controls how long the opposition can spend debating a bill. What we have just witnessed is the Minister of Municipal Affairs handing a note to the former mayor of Oshawa, the member for Oshawa, a colleague in the cabinet handing him a note and telling him to stop speaking. So the poor member, who was just getting wound up, has now been totally muzzled by his own government. I think this is very interesting. Isn't it really something that they're not satisfied to muzzle us on this side, but they're now muzzling their own members—not even a backbencher, but muzzling a member of cabinet.

To finish what I was saying earlier about where the people of this province are, I really wish there would be a very loud, proactive message from the people of this province that they have absolutely had it with taxes.

Mr Harnick: That's coming in the next election.

Mrs Marland: It's too bad they're going to have to wait until the next election to say: "Enough is enough. We are against the wall. Our pockets are empty. There is no more money to fund this government's expenditures."

In the meantime, I would ask once more that this government consider the future of young people, their access to home ownership. The Ontario home ownership savings plan has to be continued. It will create jobs in construction of those new homes and it gives hope and opportunity to young people who really want to start investing in their own future.

Mr Perruzza: I'd like to pick up on some of the comments made by my colleague the member for Oshawa. I believe there's an agreement in this House on the amount of time that is going to be spent debating. We're not in a time allocation, as some of the people here would have us believe, that somehow democracy and the democratic right to speak is being thwarted.

The Conservative member, as well as the Liberal members, know that the House leaders get together—that's their job—and discuss and work out agreements on how long we're going to debate bills. Your Conservative House leader participates in that process. Your Conservative leader has input into that process, and I know for a fact that we on this side, who control the majority, as is our democratically elected right, do not thwart that process nor impose our will on the Conservative House leader, the Conservative Party, the Liberal House leader, the Liberal Party. That's negotiated. We negotiate that and we decide we're going to spend X amount of time debating this bill and X amount of time debating that bill, and that's what we do.

But my point is this, having said that—

The Acting Speaker: Remember, we're dealing with the participation by the member for Oshawa.

Mr Perruzza: Absolutely. Just to pick up on the comments of the member for Oshawa, we're often given lectures by both the Conservative and Liberal members of this House on management and mismanagement of government funds. I read in the newspaper that the federal deficit target was missed by the federal Conservative Party by close to \$14 billion. That is a staggering amount. Their calculator batteries ran out a long time ago.

The Acting Speaker: Thank you. The member for Brampton South.

Mr Callahan: Mr Speaker, I think something very important has happened in this Legislature tonight. I tried to raise it on a point of privilege, the fact that the member for Oshawa, a former minister of the crown, a former mayor of Oshawa, who is trying to represent his people, receives a note from the Minister of Municipal Affairs objecting to the fact that he has a right to speak in this House.

Hon Mr Pilkey: On a point of privilege, Mr Speaker: I'm not a former minister of the crown. I am a minister of the crown.

The Acting Speaker: Thank you. That's not a point of privilege. That's a point of information which is known to us all.

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Mr Callahan: Mr Speaker, that's even worse. The fact that the Minister of Municipal Affairs would have the audacity to try to interrupt the minister of the crown, his own colleague, while he is trying to debate democratically in this House gives me shivers and should give shivers to every citizen in this province, the fact that a minister of the crown can tell a colleague in cabinet: "You shut up. You've talked too long. I want to speak." I think that is the proof of the pudding.

The people of this province should recognize that's almost totally out of character of anything that's happened in this Legislature, the fact that a minister of the crown can tell another minister of the crown, "You've got to be quiet." It's bad enough when they tell the minority in this House, which everybody in a democratic society believes should be heard, that it only has so much time to say this or that about public business, but when one minister of the crown, the Minister of Municipal Affairs, passes a note up to another minister of the executive body and says, "You've got to shut up" and gives you the hook, I find that totally objectionable.

That has to say eons to the people of this province. You cannot trust the present government, and it's time we cleared the air and had an election.

The Acting Speaker: We can accommodate one final participant. I want to remind members: I know it's well on in the evening, but please let's keep it on a high plane. The member for Etobicoke West.

Mr Stockwell: If there's one member across that floor I have a good deal of respect for, it's the member for Oshawa. He's junior Minister of Municipal Affairs, I

believe. Oh, Transportation. I forget actually. I'm sorry.

When he was the Solicitor General, he had some very tough things to take care of for that government. I remember very clearly in this House him trying to defend the decision on Sunday shopping. I know he had a difficult situation, because from one caucus to the next the position was very fluid and very—well, different, to be kind to the government. He was faced with the situation of having to stand up and defend the decisions of that government. I also know, from reading the Oshawa newspapers in the federal election just past, that he was a very candid and upfront member of that government who spoke very candidly about the fact that as a party they might have to readdress some of the issues they were dealing with.

When I saw him rise to speak, I was very interested in hearing what he had to say. I know you've not risen too many times in this House over the past year or year and a half, and I thought it would be of some interest to hear his comments with respect to Bill 31, considering he's been very candid in the past with respect to government policy and positions that are put forward.

I am sincerely disappointed to see that a member of the crown, the Minister of Municipal Affairs, would have the authority to cut him off. But what I've learned today is that there's a pecking order in that cabinet. As the Minister of Municipal Affairs cut down my friend from Oshawa, I saw this afternoon where the Minister of Municipal Affairs fits in. It's directly behind the Minister of Labour, because I saw him nail him a little earlier this afternoon.

The Acting Speaker: Thank you. This completes questions or comments.

Mr Sterling: On a point of order, Mr Speaker: On three occasions during the last half-hour or so during questions and comments, there have been members on both sides of the House raising a point of privilege or a point of order. It seemed passing strange to me that when members of the opposition were interrupted by a member from the government benches, that interjection was allowed, but when the other happened it wasn't allowed. You weren't in the chair for all of that, Mr Speaker, but I just wanted to maintain a balance in the House regarding the rules.

The Acting Speaker: Thank you. The member for Carleton brings forth a problem that's not easily solved by the Speaker. It's not easy to try to accommodate everyone. However, the Speaker does his or her best. To the Minister without Portfolio, the member for Oshawa, two minutes in response.

Hon Mr Pilkey: Mr Speaker, I won't require it. Contrary to the comments from the members opposite, which are totally inaccurate, I had totally concluded my remarks. My speaking notes are here to verify that, and I was in no way influenced by my very good colleague and one of the best ministers of Municipal Affairs to ever grace this province, Mr Ed Philip.

Interjections.

The Acting Speaker: Order, please. Further debate? The member for Brampton South.

Mr Callahan: Mr Speaker, I was not going to speak on this bill, but I feel it's necessary. I can't believe the member for Oshawa making that statement he made. We're talking about a tax bill here. We're talking about a bill that affects people in this province, people who are losing their homes, are losing their jobs, are losing their unemployment insurance because of the former Conservative government's attitudes towards UIC, have no opportunity to get to welfare because of the attitudes of this government.

I find it absolutely outrageous that from a democratic standpoint the Minister of Municipal Affairs, who is the minister responsible for looking after the affairs of my riding of Brampton South, would have the audacity to tell a fellow minister of the crown that in fact he can't speak.

Now you want me to come back to the tax bill.

The Acting Speaker: It would be very nice if you did, yes.

Mr Callahan: Well, I'm going to wrap this around the tax bill. The taxpayers of this province, who are about to be taxed by this bill, are paying for 130 members of this Legislature. They're not paying for four members, plus the Premier, plus the unelected spin doctors down the hall; they're paying for the people in this House to represent their views in this House and to be certain that in hard times, when they're losing their homes, their jobs and God knows what else, that they know that the ministers are here looking after their interest.

One can understand that taxation is necessary for parliamentary democracies, but when taxation is brought in in the vein in which it's been brought in, we've seen an increase from 53% to 58%. The former Conservative government—you can't say a lot about them; they're now just a pair in Ottawa; they ask for a table for two—in fact gave us a tax break. That's the only legacy that the former Prime Minister gave us.

What happened? The Minister of Finance took it back and he takes it back by this bill. People out there who perhaps were making decisions on the basis of how they'd look after their budget and their household are now left with a bill that is going to be brought in that is going to actually claw back the money that the federal government, albeit a federal government that had a very large deficit, and we now find the deficit as the new government takes place is far greater than anybody anticipated, it's been clawed back. We've seen clawbacks of seniors by this government. We've seen clawbacks of just about every imaginable type of tax you can think of.

I have to say, this bill is one more tax bill that the members of this House should be defending and should be voting against because in fact we can't handle it any more. There are people out there hurting. There are people who cannot afford to have their budget thrown out every time the Minister of Finance decides that he wants to increase the taxes.

It's one thing for the people of this province to see a tax grab and see something happen on the other side with the deficit going down. We saw it with the former federal Conservative government. They told us the GST would be the be-all and end-all and these dollars that were being

taken, this 15%, when you added the provincial and the federal GST to it, would be allocated towards the cost of bringing down the federal deficit.

Canadians rose to the occasion, as they always do. They rose to the occasion and they said, "Fine. We'll pay 15% more"—

The Acting Speaker: Order. On a point of order, the member for Etobicoke West.

Mr Stockwell: I know we don't have a quorum.

The Acting Speaker: Could the clerk check to see if indeed a quorum is present?

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

2030

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The member for Brampton South may resume his participation in the debate.

Mr Callahan: Mr Speaker, first of all, I want to say that I have no problem with the member for Etobicoke West interrupting and making certain that the government, who is required to keep the quorum in this House, has at least 20 members here. I thank you for that, member, because I think this is very important.

Unlike the people in the real world, who have to go out and work in the rain, have to sweat, have to work hard to make their money we, as members of the Legislature, 130 of us in this august body, have indoor temperature; we're looked after; we get a space here to park our car; we get money for all sorts of things. I think it's very important that under the bill, the tax bill that we're speaking about, even though it's 8:30 at night, approaching Christmas and everyone wants to get out of here, you have a direct responsibility to ensure that this bill—that this bill is earning you the salary that the taxpayers of this province have given you as a sacred trust.

For some reason, when you talk about tax bills in this place, the government sits over there and thinks: "Well, we've got a majority. Who cares? Taxpayers are jerks." Taxpayers don't deserve any benefit, don't deserve to be treated with the respect that every one of them will go out and crawl on their knees for at election time so they can get themselves re-elected to this august body. This important place we're spending about \$20 million or \$30 million on refurbishing, this monumental thing where only members are allowed on the floor of the Legislature, this big thing to be a member of the Legislature or a cabinet minister, tax bills are unimportant. They don't mean anything. Poor sops out there, they don't know any better. They don't know any better. You can put your hand in their pocket constantly and they'll never know.

I'd be willing to bet that if we took a question around this House to find out how many members of this House even know what this bill talks about, I'll bet you you wouldn't find five of them who would understand what they're doing to the taxpayers of this province.

That, to me, is frightening. That tells me that I think I live in a democracy. I think that the money that I earn in

a hard fashion, that my children earn, is being spent and paid in tax dollars to a legislative body that lives in this gigantic palladium that's paid for by the taxpayers. It's lit by the taxpayers. It's paid for by the taxpayers. And the government can't even keep a quorum. They can't keep the 20 members over there excited about what the bill's all about. The member for Etobicoke West has to raise the issue, to call them in from wherever they were.

I will tell you, the question of public business on a tax bill is absolutely paramount. That's exactly why you're here. That's why you're privileged. That's why you're a special person in your riding: to look after the financial interests of the senior citizens.

The Minister of Finance can grab money and say it's being used for health, and yet the Minister of Health is cutting back money from our programs. She's cutting back money. She won't provide money for schizophrenics in terms of the formulary, in terms of providing money for it, and yet the members of this Legislature don't find it important enough to be here to discuss a tax bill. Well, I say, too bad. Too bad for the taxpayer. Too bad for the people who vote for you people, for whom you have a sacred trust.

I've just been reminded that perhaps I shouldn't say any more. I'll tell you something, I remember something when we were in government and the New Democratic Party was the opposition, and when people would come over and say, "Cut off the debate," we used to say, "If you do that any more, we will debate further." I will remind the Minister of Health that that's precisely what she did and many of her members when they were in opposition, and I don't intend to sit down, thank you.

So you don't have to come over and talk to one of my members and tell them, "Cut off debate." I'm not going to because I think it's very important that the services in this community, the services that are being provided to the taxpayers of this province, are being limited in all sorts of capacities. We're seeing tax grabs in photo-radar. We're seeing tax grabs in terms of the registration fees. We're seeing tax grabs in terms of the Minister of Finance not extending the OHOSP program for new home buyers. We're seeing tax grabs in terms of the 58% from the 53%.

How can we possibly say that this is not an important bill? This is a bill that should be limited in terms of debate. It shouldn't be limited. It's an absolute obligation on the part of every member of this Legislature to ensure that the taxpayers who pay for our luxurious surroundings, who pay for our so-called esteemed and honourable mention at dinners that we get invited to, that their money is being well spent. I suggest to you that it's not being, because what's happening here is the monumental sort of Christmas grab. Instead of Scrooge, it's spend. Instead of Scrooge, it's take money from the taxpayers. I object to that.

I was elected to represent the people of my community: seniors, poor people, people on family benefits, people on welfare who cannot afford to have the benefits that all of us have in this luxurious chamber, and yet we're not prepared to spend the time to debate a bill and vote on a bill that is essential to the people of this

province. I find that really passing strange.

I find it strange that I can't perform the function I do, that I have the Minister of Municipal Affairs telling the minister of—I'm sorry, I can't remember what his ministry is; perhaps he's not in the inner ministry—that he can't speak in this place. Well, I say baloney.

I was elected by the people of Brampton South. Those are the people I'm accountable to. Those are the people where I see powers of sale of their houses taking place, families being displaced, mothers and fathers, breakup of marriages because they can't afford to pay for the things because they're grabbing the money, and they take the bloody money and they do nothing with it.

You know, we talk about the deficit being \$17 billion. The Treasurer or the Minister of Finance, whatever you want to call him, wanted to get it down below \$17 billion. So he cut out under a social contract which, for some reason, the people of this province seem to think is a great thing.

Well, I want to tell them that they're missing the point, because every essential service in this province, police, fire, ambulance, all of the essential services under the bill that was passed in this House, and probably many of you don't even know that, you cannot pay them off. You in fact have to give them 36 days off and that will happen in 1996, and the NDP government in existence now doesn't give one hot banana about it because you won't be here. You're going to give it to the next government to deal with that problem.

How do you supply 36 days of essential services to ambulance drivers, to police officers, to firemen and so on? In essence, what you're going to have to say to them is, "Surprise. We can't do it," or in fact what's happening is, the Minister of Finance is fooling the people of this province by saying, "We've saved \$3 billion from the deficit that we had." But what he's doing is the same smoke and mirrors. As the press says, he's cooking the books. The same smoke and mirrors: He's saying, "We'll delay that until 1996; not our problem; we'll be out doing whatever we did before we were lucky enough to get into this joint," and they don't care about it.

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I see the Minister of Consumer and Commercial Relations here and she has got a casino bill and a casino in Windsor, one of many, anticipating that will be the saviour of the NDP government. It's going to get us all sorts of money and that will cover all these problems that we now have. There will be no problems whatsoever.

Interjection.

Mr Callahan: Did I hear you?

Mr Stockwell: No, no.

Mr Callahan: Well, that's going to be the panacea.

The Acting Speaker: To the member, we are on Bill 31.

Mr Callahan: I appreciate that, Mr Speaker. In fact, it is all taxation, because the casino bill is the thing that Bob Rae railed against. "Casinos, gambling, my God, it's taxing the poor." Bob Rae has suddenly changed his mind. Taxing the poor isn't all that bad. You take it out

of their pocket and you've got all these things you can pay for.

Well, I'll tell you something. The people in my community would not be too upset if they could see this money going into some place other than the bottomless pit, because all of the indications that we have had from all sources tell us that money is either being carted away in a Brinks truck to some Swiss bank, because it's not showing up in terms of the deficit—it's kind of like the GST with the Tories. They said, "This money will be applied towards our deficit," but nobody saw it being applied towards it. The deficit is as big, in fact, when the present government got in there, it found it was \$7 billion more than it anticipated. What the hell do governments do with this money? Have they got four or five bank accounts or what? You know, maybe it's time—

Mr Turnbull: Kind of like the deficit the NDP inherited from you.

Mr Callahan: No, no. I'm sorry. Maybe it's time—

Mr Turnbull: Is that like the deficit they inherited from you? You were going to have balanced budget in 1990.

Mr Callahan: Maybe it's time that we held governments accountable. Maybe it's time that we told governments, "If you want to tax us, if you want to take away money from us"—and forget about destroying the economy and the business community. The business community now is disappearing because they've got so many forms and circulars they've got to fill out for this government that mean nothing. Charitable groups were finally exempt, I think, after we all told them it was silly. They have to pay \$50 when they don't even change the directors in their company. What a joke. What an absolute joke.

You know, if this were done outside of this chamber it would be called theft, and if you used a little bit of force it would be called robbery. But, you know, when you do it in here and you do it at about a quarter to 9 at night it's: "Well, shut up. Don't talk about it." It's a very secret society we've got here, a secret group.

I'll tell you something. I think the taxpayers of this province are listening. I think they're looking at what's happening here. I'm not sure that they quite understand why they hate politicians but I'll tell you something. They should damned well hate politicians. They should perhaps eliminate this place because it's meaningless. All they ever get from us is tax bills. They have four or five people who are the power brokers in this joint and the six or seven spin doctors who never even got elected to this place, telling this place what's good for the people of this province. I find that offensive, absolutely offensive.

We saw a bill tonight and it relates to this, a bill that I suggested to the Minister of Municipal Affairs and also others is a precursor to the elimination of school boards. Maybe some would say that's great. You know: Get rid of these extra forms of government.

But they don't do it that way. They do it sneaky. You've got so many bills on here—omnibus. You know what "omnibus" is? It's called potpourri. You take everything and dump it into a canister and you throw it

out to the Legislature. Maybe we're in favour of part of it and maybe we're against the others, and the opposition's job is not an easy one. Our job is to make certain that those people over there who are in fact taking money from the taxpayers of this province and can't show anything on a balance sheet to demonstrate where the heck the money went to, we hold them accountable.

That's why I was elected and I'm sure that's why the members in this House who care about this job were elected. The government seems to think, "Well, hey guys, we've got a majority and we've made a deal with the House leader that this is what should take place this night." I say to hell with that because you're the government, you get paid extra bucks, every one of you, out of the taxpayers' purse and I don't see any production from it. I don't see any of the benefits going to my community; I don't see any single parents who are able to have more money for their kids; I don't see any more money for schools. In fact, they're taking it away from our schools. I saw in the press today that \$30 million are being taken away from schools.

You people are absolutely bonkers. You're taking it away from vulnerable people, you're taking it away from a whole host of people and it's all sort of like it's a piggy bank. You know, "I put money in there and the deficit should be reduced here," and unfortunately the money that goes into the piggy bank doesn't result in decreasing the deficit over here. It does absolutely nothing for the benefit of the society of this province.

I feel sorry for the people who were sucked into the social contract in this society. They got sucked into a deal that requires them to take off 10 or more days a year. They got sucked into it because they said that's going to help the deficit of the province of Ontario.

Well, I have to say to myself, my God, we're approaching Christmas and the end of the year. I guess our fiscal year is April. I'm going to tell you that when they find you guys were not telling the truth—that's collectively, Mr Speaker—that in fact the deficit has not been reduced because of their reductions in their salaries and their rearranging of their budgets and perhaps the loss of their homes, perhaps the loss of a lot of benefits to their children, that you have not in fact decreased that deficit, they are going to be mighty angry, let me tell you.

I don't know whether you've got some sort of a hidden bank account where you're going to try to produce some sort of a goody to keep these people happy so they don't get angry, but I hope you do because I don't want to be around this place when the March 31 deadline comes down and there is no change. In fact, I would suggest there's an upward trend in the deficit in this province. The businesses are just disappearing. People are losing their jobs. I don't want to be here because I can tell you right now that if you think the people are unhappy now, you just wait for that.

Somebody once said, "You can fool some of the people some of the time but not all of the people all of the time." I think that's true and that's what the government over here is trying to do. They call themselves the New Democratic Party. I think the representation of what has gone on in this place in the three years that they've

been in office has demonstrated to me in spades that they should take the word "democrat" out. Just the way they treat the opposition in terms of what they call time allocation, which is really closure—it's telling you to shut up—is kind of like a minuscule of what happened with the Minister of Municipal Affairs when he told the member for Oshawa to take the hook; he couldn't speak for his residents. That goes on on a grandiose basis in this place.

I don't know how many members they've got over there but they certainly have more than ourselves and the Conservatives. They're being paid by the taxpayers. People who can't afford to go to the movies or bowling or bingo or whatever are paying these people, as their members, to defend their interests. What do they do under this bill? As I said before, they have clawed back the only reductions that the Mulroney government gave us. They've clawed them back.

I remember when the federal government of the day, the Mulroney government tried to claw back seniors' benefits. The seniors mounted a campaign that was heard around the world. They told that government of the day, "You can't do this," and it didn't do it.

I'm going to leave a message, and I am going to end and people will say, "Amen." I'm going to leave a message with this government. I'm putting out a message tonight to the people of this province: I'm fed up. I'm fed up with the representation I'm getting. I want an election. I'm fed up with somebody having their hand in my pocket. I'm fed up with the members of the government who are not serving the purposes for which they were elected. I'm fed up with the entire routine.

Let them mobilize the same way that the seniors in this province did. Let them get up and say: "I'm tired of not being able to give my kid this toy for Christmas. I'm tired of not being able to go bowling or go to a movie or do the normal things that I'm sure every member of this Legislature is able to do. I'm tired of it. I'm fed up. I've had enough and it's time for an election." Thank you.

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The Acting Speaker: Questions or comments on the member for Brampton South's participation in the debate? Further debate on third reading of Bill 31? Seeing none, the parliamentary assistant, the member for Oxford, has closing remarks.

Mr Sutherland: I want to thank all those speakers who made comments and actually spoke to the bill and the content of the bill. I think that was a very constructive process. With regard to the rest of the comments, I too will take time to reflect on how I participate in activities in this House. Thank you, Mr Speaker.

The Acting Speaker: Mr Laughren has moved third reading of Bill 31. Is it the pleasure of the House that the motion carry? No? All those in favour will please say "aye."

Clerk Assistant and Clerk of Committees: Speaker, we have a division.

The Acting Speaker: We have a document here that reads as follows, "By prior agreement of this House, there will be a division on this bill and it will be deferred

until Monday, December 13, immediately preceding orders of the day.

RESIDENTS' RIGHTS ACT, 1993

LOI DE 1993

MODIFIANT DES LOIS EN CE QUI CONCERNE
LES IMMEUBLES D'HABITATION

Resumption of the adjourned debate on the motion for second reading of Bill 120, An Act to amend certain statutes concerning residential property / Projet de loi 120, Loi modifiant certaines lois en ce qui concerne les immeubles d'habitation.

The Acting Speaker (Mr Noble Villeneuve): The honourable member for York Mills was in full flight when we last adjourned. He still has 18 minutes and 39 seconds.

Mr David Turnbull (York Mills): I was indeed, Mr Speaker.

The residents of York Mills are, to say the least, perturbed about this bill. We have predominantly areas of single-family houses. They object to the idea that the provincial government is going to come in and is going to undermine the zoning which was put in place by the local municipal council to protect those areas. There are indeed some odd apartments which the residents have turned a blind eye to in the sense that they recognize that there might be somebody who has some difficult financial, times and they are turning their back on the fact that there is the odd illegal apartment.

What this bill does is to inscribe in law the fact that every neighbourhood can be turned into an area of multiple-family dwellings, at the stroke of the government's pen, in conflict with what the local municipality wants. When I last rose, I spoke about the fact that the present system that the government is bringing in does not allow for any change in assessment. Therefore, the property taxes will not be in any way affected, which means that you can have a doubling of the population in a given area without any attendant increases in property taxes. So you will now have to service extra police, extra ambulance, fire service, sewage and education, all massive costs, the major costs that any municipality incurs, without any increase in taxes.

How the government considers that it is reasonable for municipalities to bear this when it has enacted zoning in full knowledge of the circumstances, and not just the circumstances relating to costs in a municipality but more than that, the wishes of the people who live in that municipality, is completely beyond me.

This is a government which is philosophically opposed to municipalities having any rights to be able to determine their own faith. They don't trust the people locally. The minister, when I spoke about it last, defended her bill by saying that the reason local municipalities weren't passing bylaws to allow basement apartments was because of the fact that vocal minorities in municipalities would speak up and say, "We don't want single-family houses to be turned into multiple-family units." And indeed townhouses can be turned into two-unit houses.

Buildings which were clearly not designed or engineered to maintain two families are now going to be

pressed into service in this way. The government suggests that somehow this is part of its job creation program. What an absolutely pathetic effort at job creation. How are you going to create any significant number of jobs with this kind of bill? Well, I guess you could argue that there may have to be some renovations to bring the existing illegal basement apartments, which will now become legal, into compliance with the law.

I would suggest that where there are any significant amounts of work to be done in a basement apartment, which would create jobs, then it's highly likely that the owner of the building will not be able to afford it. Typically, when somebody rents a basement apartment, they don't pay a lot of money. That is the reason they live in a basement apartment. It isn't exactly the choice lifestyle of most people. They would sooner live in something above grade.

But instead, no, the government says, "We're going to make you bring this into compliance with the law." What happens if the landlord cannot afford to bring it into compliance with the law? What happens if the rent for an apartment is \$250 or \$300 a month or even \$400, and the cost to bring this apartment into compliance is \$10,000? Not a very good proposition to the owner, but I suspect we have a situation here where the government is going to force the owner to bring it into compliance, because there's no way of getting people out of these basement apartments because they are now making them legal.

What happens about the family who has a basement apartment and wants to get control over the building to occupy it themselves? Under this law, there will be no right to get the tenant out and you'll be stuck with them.

Let's just turn to the question of the other section of the bill which deals with long-term care homes, the retirement homes, to be distinctly delineated from nursing homes. I have a letter here which deals with the question of the inclusion of retirement homes in this bill, which will apply rent controls to the tenants of these units. I'd just like to read some extracts from this letter:

"The Ontario Long-Term Residential Care Association plays a major role in this province's long-term care system. Over 30,000 seniors, disabled and post-psychiatric residents, with an average age of 83, live as independently as possible in these facilities. Twenty per cent are on general welfare assistance. Unfortunately, the Minister of Housing took the Lightman commission's recommendations literally and applied them to this sector, when in fact the majority of Professor Lightman's concerns lay with unregulated boarding homes."

I emphasize the word "unregulated."

"Retirement homes have been advocating for years the need for province-wide standards and a formal system of disputes resolution to address concerns such as inadequate care, resident safety, limited contract disclosure and emergency relocation. It had recommended that these problems be dealt with by enacting legislation that incorporated mandatory standards to be enforced by the municipalities. These standards would set out the terms for obtaining a licence to build and operate a retirement home and should apply to all residential care settings across both public and private facilities."

The emphasis is on "public." This bill only applies to the private facilities.

"But this government would not listen to this reasonable request, and instead has decided to apply both the Rent Control Act and the Landlord and Tenant Act to retirement homes, thus tying it up in bureaucratic, expensive red tape which will cause severe problems for residents and their families.

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"Application of these two acts will create the following problems:

"The Landlord and Tenant Act will make it impossible for retirement homes to deal with emergency situations quickly, particularly when a resident becomes a danger to others.

"Appeals can take up to a year. There is little or no case law in this area.

"Retirement homes may, say in the case of an Alzheimer's patient or one with dementia, have to apply to the public trustee to have the resident declared incompetent.

"Family members who currently now contract with retirements will no longer technically have status under the Landlord and Tenant Act. During this time, the resident could be causing serious harm to staff, other residents or to him or herself.

"This is a very serious problem which the Minister of Housing refuses to address. What is required is a fast-track approach which takes into account emergency situations.

"This legislation also fails to take into account special circumstances for short-term stay residents. In some areas of the province, hospitals contract with retirement homes to allow cancer patients to live there during chemotherapy or radiation therapy treatment stays.

"Many families put their loved ones into a retirement home for a short time so they can go on vacation or have a rest from care of that individual. This legislation would prevent that from happening.

"Other areas of concern:

"Retirement homes," and I think this is a very salient point, "are very concerned that they will be unable to deal with these residents who refuse to pay the care services other than going to Small Claims Court on a monthly basis. The minister must consider allowing retirement homes to have mandatory contracts with the residents that ensure residents pay for both"—emphasis on both—"so that only when the resident serves notice to vacate under the Landlord and Tenant Act can he or she stop paying for care services."

This is a very important point. Under this legislation, if a resident lives in a retirement home, whatever method is used by this government—which hasn't been spelled out in the bill—as to how it will determine which component belongs to the rent and which component belongs to the care portion of the bill, the owner of the home will have no right to evict the tenant if they are still paying the rent, notwithstanding the fact that they could have completely abrogated their responsibility for paying for

the care portion. This will undoubtedly drive some retirement homes into bankruptcy.

The other rather interesting aspect that this bill brings to bear is that residents stand to lose from a tax standpoint. First they will lose their GST-exempt status, because GST will now be applied to most non-shelter services. Residents also stand to lose some or all of the benefits from medical tax receipts.

That's a rather interesting situation. If you have a loved one in a retirement home and you're paying the money at the moment to maintain them in a retirement home, it is tax-free. But now this socialist government is taking a measure which is going to ensure that for residents in these homes, even if there is no increase in the rates, the person paying the bill will have to pay more money because there will be GST added to this.

Mr Chris Stockwell (Etobicoke West): On a point of order, Madam Speaker: I would like to congratulate you on your new-found position and as well call quorum, just to get you on the record, Madam Speaker.

The Acting Speaker (Mrs Margaret Marland): Is there a quorum present?

Clerk Assistant and Clerk of Committees (Ms Deborah Deller): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant and Clerk of Committees: A quorum is now present, Speaker.

The Acting Speaker: The member for York Mills may continue.

Mr Turnbull: To continue with this letter from the association of operators of these homes:

"Residents will no longer enjoy safety and protection from higher-care-level residents who become aggressive or incontinent. Resident councils' input will become diminished. Owners and operators are concerned that a resident will now be able to sublet their space to anyone."

What an absolutely disgraceful situation, that this law can undermine the ability of the operator of the retirement home's power of deciding as to who will be in the retirement home, a decision which presumably will be made in the best interests of the other residents to ensure that the other residents are not inconvenienced.

Finally, "There will be the inevitable impact on necessary capital expenditures," and this most important, because I know you know a lot about the question of capital expenditures with respect to rental apartments. "Renovations are often made to retirement homes for safety and retrofit reasons. Under rent control, there are severe restrictions to recovering necessary capital expenditures. How does this government think the operators are going to be able to maintain the buildings?"

Instead of doing what—to be charitable—this government believes it's doing, it's going in the opposite direction. They are putting impediments in the way of the operators of retirement homes from running good, safe, efficient operations which help the residents. They have got mixed up; they haven't read the Lightman report correctly. The fact is that Lightman was talking predominantly about the problems that existed in unregulated

boarding houses. These are not boarding houses; these are a very different type of facility.

Finally, of course, there is this question of how the government thinks the allocation is going to be made between the rent component and the care component in a retirement home. Are they going to bring out some regulations with some absolutely wild calculations which they're going to apply to all retirement homes and simply say, "You will have to live with that"? I would suspect that if a retirement home is a newer building, then the portion which is applicable to the actual rent for the physical building would be a larger percentage than if the building were older and were somewhat amortized. There's no information whatsoever in the bill as to how that will be handled, so there's a very serious problem.

In summation, our problems with respect to retirement homes are that the government hasn't thought this through, and it is going to undermine the ability to the operators to be able to deliver services to the people in the retirement homes and will undoubtedly cause some bankruptcies. With respect to basement apartments or units put into back gardens, the local municipality will lose all of the rights to apply zoning which is reasonable to control the neighbourhood in such a way that it is in the best interests of the neighbours and expresses the desires of the people who live in a particular area.

There is the association known as the Toronto Area Property Standards Officers and also the Ontario Association of Property Standards Officers, which is headed up by Mr Joe Perrone, who is the bylaw enforcement officer for North York. He has expressed his concerns. These associations expressed concerns with Bill 90 and you will recall that essentially this is the child of Bill 90. He has expressed to us that while they haven't formally had it before their associations, he would see no reason that the views they have expressed in the past with respect to Bill 90 would not be the same for this particular legislation.

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Municipalities don't want it. People who live in single-family neighbourhoods don't want this legislation. Why is the government pushing it down our throats? It is going to undermine neighbourhoods. It's just one further step down this process of the socialist republic that this government wants to inflict on us. We don't like it and the residents are saying, "Don't do it."

We insist that this go to committee hearings during the intercession so that the good people of York Mills and other ridings across the province can come out and express their disdain for what this government is doing.

The Acting Speaker: Questions and comments on the member's debate?

Mr Robert V. Callahan (Brampton South): I can see the House brighten up as I stand up.

Interjections.

Mr Callahan: You'll be very happy to hear that I'm going to be very charitable to the government. I'm going to be very brief. That should get a round of applause. Certainly, it will get a round of applause at the Callahan household because if my wife is watching there, she's probably going click.

I want to tell you that the purpose of your bill is laudable and that's the—

Interjections.

Mr Callahan: You want to see the other shoe drop? The purpose of your bill is laudable. I'm sorry, the clock has got me on questions and comments; I'm actually in debate.

The Acting Speaker: I did ask for any comments or questions on the member for York Mills's debate. If there are no questions or comments on the member for York Mills, further debate?

Mr Callahan: I won't reiterate it. The people up there in television land can run that backwards and run it again.

As I said, I think what the government is doing here is laudable in this respect: To follow up on my speech before and for those of you who have known me for nine years, I can be political, I can be partisan, but I do believe that we serve the people of this province, and that's why I say that what the government is trying to do is laudable. What you're trying to do is the same thing that the former Liberal government tried to do with the granny flats and so on. It was to create housing for those people who, for whatever reason, are not able to financially afford housing.

I think everyone of us, and perhaps more significantly the people in Toronto, have gone into accommodations where people were just—they were drastic. More often than not, the people in the Metropolitan area were living in accommodations that were not worthwhile for anyone, particularly seniors, but I have to say to you, in the brief period of time I have and I intend to speak very shortly on this, that there is the concern I have about your efforts in attempting to approach what is an understandably sensitive area. You're doing it the wrong way, I have to say with all due respect. What you're doing is you're taking away from municipalities—

Interjections.

Mr Callahan: We seem to have a less colourful Speaker there. She's dressed entirely in one colour and the other gal, the other lady was dressed in very delightful colours, Margaret, and she got a rose to boot.

I have to say that we have people in this chamber who have sat on municipal councils, have had the opportunity to plan, under the Planning Act and the Municipal Act, their communities in a way that made sense.

I think that as municipal representatives in the past, and perhaps in the present, councils have been a bit too easy in terms of allowing densities to increase, have allowed developers to come forward before the councils and before they've even sold or even built anything they've taken the property from single-family and then they sell it to somebody; then the next person comes back—and you haven't got anything on the ground—with a duplex, nothing on the ground; triplex, nothing on the ground and just paper being sold again; quadruplex, nothing on the ground, nothing to help out the taxpayers' burden in the municipality.

Then the next thing you know, the paper is sold a fourth time and what you've got is, "We'd like to put up

a higher density, perhaps eight or 10 units." So the council says okay. They grant it. It's still paper.

The next person who appears before you, it's still paper. "We want to have 20 units." Council says, "Okay, fine." Depending on the sophistication of the council, they want this development. They want this base. They want this housing for their people. The next thing you know, before you get finished you've got a subdivision of the highest density possible, the highest density within the framework of the official plan—not the minimum density but the highest density—being developed.

You've got these people who have sold the paper four, five, six, seven times and have increased the value of the land on which the homes are going to be built. Really, I think those people who were in municipal politics will know that the real cost of the house to the citizen of Ontario or Canada is the land. If you allow this land to trade hands six and eight times by way of paper, and not one nickel to the municipality—we all deserve to have the prices we require for homes today. I think we've really reached the stage where we can no longer say yes to that. We have to say no to that. We have to say no because your children and mine will never be able to afford a house.

When I go back to what I said, I think the bill you're bringing in is an effort to try to house people at the lowest possible cost. Unfortunately, what you're doing in the meantime is you're taking the people in my community who bought a house—maybe they were lucky enough to get into a house at \$48,000, which today is worth \$200,000 or \$300,000, simply because of all this paper trading that took place, not because of anything that made it more valuable. It just was the paper trading, or the hanging on to the land, or the lengthy delays of council in rezoning the land, or providing the approvals for the development. These people were paying interest. They're businessmen and women.

What we've done is we've been the masters of our own misfortune, and necessarily we've been the masters of our children's misfortunes, because I can't see how my kids will ever buy a house. That's why I got so incensed in the last debate, which you were not here for, Madam Speaker, about taking away the program that's coming to an end on December 31. I think that's very shortsighted.

I know the Minister of Finance, who is, I think, a good person, even though I harangue him from time to time—

Mr Stephen Owens (Scarborough Centre): He's a great person.

Mr Callahan: All right, I'll say he's a great person, too. I harangue him from time to time, but he should extend that program because the people we're looking to house are not just the poor, are not just the seniors; in the main, they're young people. They're young people who are going to get married and have children and be the taxpayers of this province, who need to have the ability to buy a house.

When I look at the prices of homes, you have something up there, "Extra special, \$199,000." I think to myself, "My God, I can go down to the United States"—I'm not espousing going to the US, but you can go down

to Florida, you can buy a condominium for about US\$96,000, and it's got two bedrooms with individual baths, a living room, dining room, screened-in porch. Why can't we build housing like that?

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On the other side of the coin, to get back to the bill itself and where I object to it, is the fact—I have to say this on behalf of my municipality and myself. There are people in my age group—don't worry about my age group. We got in at a very low price, \$45,000 or \$46,000 for a house that's now worth \$200,000. The people I care about and concern myself about are the people who are middle-income, below middle-income, the seniors. If they want to buy a house, they haven't got \$200,000 or \$250,000. The people who have bought into a home, albeit it might be at \$48,000, bought the most significant investment that they will ever make in their lifetime.

I used to always to get a kick out of people when I was practising law who would come into my office and I'd say to them, "Own your own home?" and they'd say no. I'd say, "Well what do you mean by that?" because I knew they did. "Well, I have a mortgage on it." I'd say: "Well, welcome to the club. We all have mortgages." Some of us had mortgages in times when they were really bad.

We have an opportunity to strike while the iron is hot. Interest rates are low. We could accommodate people through assisting them through the program that's going to end on December 31, by providing them an opportunity to get a first home. But more importantly, this bill takes someone who has bought a home in a single-family area—that sounds highfalutin and maybe it sounds like these people are trying to be special, but they're not. They're people who have invested their savings in buying into a single-family community.

What you're doing by this bill—I'm not sure; I guess it's the Minister of Housing. Who's the parliamentary assistant for the Minister of Housing? Is that person here?

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): Gary Wilson.

Mr Callahan: Is he here?

Mr David Winninger (London South): No.

Mr Callahan: He's not here. Is the minister here? In any event, I'm not trying to be unfair. All I'm saying is that what you're doing is taking the planning abilities away from the municipalities. My municipality has a two-pronged attack to that. My municipality says: "We don't want you to do that. We don't want you to allow retroactively. That's what this bill does. Unless you go the final page, you don't understand that's what's happening."

The final page, subsection 48(1), says: "Sections 4 to 26, 48 and 49 shall be deemed to have come into force on November 23, 1993."

Subsection (2) says: "Sections 1 to 3 and 27 to 35 come into force on the day this act receives royal assent."

Because subsection 48(1) says that sections 48 and 49 shall be deemed to have come into force on November 23, 1993, this bill is actually retroactive. What it means is that a young couple bled, went out and worked to buy a house in a subdivision which they thought was a single-

family dwelling. They made the biggest investment of their lives. They probably will be lucky if they pay it off before they die, or certainly before they're 65. Suddenly, what they've found is that the neighbour next door can put in a basement apartment, as long as it meets the qualifications of this act, and suddenly what you've done is you've intensified the density of that community and you have expropriated from those people the value that they put, the blood, sweat and tears they put into buying that home. That is unfair.

If you examine English history, and that's where our Expropriations Act comes from, there is a principle of law—I don't think the English had to bring it about, but what it says is that you don't take away value from someone without paying them for it. That's in fact what you're doing.

You might say that we're trying to increase the amount of housing for people and we're trying to cut out the landlords where there are illegal basement apartments where they can harass the single parent down there and give them a bad time because they can't call the police because they're illegally there, or not put them and children in a place where a fire might take place. Municipalities face the same conundrum. They want to find a way where they can make sure these people are safe, but you don't do that, I suggest, by taking other people's rights away to do it. What you do is have the guts to say, "All right, we are going to give the power to the municipalities to in fact investigate those areas, to allow people to do whistleblowing, even if they're illegally in the basement apartment, and they can change the whole situation." But you don't do that by taking away other people's rights, and that's what's happening.

I have to say on behalf of my municipality that I strongly object to this bill. Unfortunately, it's one of these bills that's an omnibus bill, which seems to be the name of this—I'm going to get partisan. The name of this government is "omnibus." You throw in the pot-pourri and you give us a few things we might be prepared to vote for and you throw in these other things, which is very difficult to even logically agree with. I'm not going to speak on the matters of the retirement homes. I have problems with that too, but I don't have time to do that; there are other members who want to speak.

Finally, I want to say, on behalf of my municipality, you are in fact again indirectly taxing young people, old people, middle-class people, perhaps poor people. You're taking away from them something they bought and you're giving them nothing in return. If you wanted to expropriate that house, like you've expropriated the property in Windsor for the casino, you would have to pass legislation, as you did with the casino in Windsor, to in fact—I don't want to say the word "steal," but darn close—prevent people from getting the proper value for their property. That's what you're doing en masse, whole scale, against the people of these communities of this province.

Finally, what you're doing is depriving the elected representatives of the municipalities, who have the right and have the ability and probably far better experience than we do down here in Toronto, to plan their commun-

ities. You're in fact saying to them: "Forget it. We're going to plan for you retroactively." I don't care what you do prospectively. If you want to put basement apartments in my community, then tell us, allow us to plan for it, allow people to move in knowing that's what they're buying into; I think that's fair. But what you're doing here is unfair.

The Acting Speaker (Ms Margaret H. Harrington): Questions and/or comments? Further debate?

Mr Stockwell: I'll be brief. I just want to put on the record a couple of concerns I have about this debate. They concern the basement apartment issue. I listened to the member for Brampton South. He was itemizing some of the issues that I think needed to be addressed.

I do so because I'm a firm believer in a couple of things at a local level. I'm an absolute firm believer in the official plan, I'm absolutely a firm believer in zoning and I'm absolutely a firm believer in the planning process. I will say from my experience at a metropolitan level of government that we have, having limited travel, in Metropolitan Toronto one of the finest-planned cities I've been to. I would say all parties deserve credit for that.

I recall very well back in the 1970s when David Crombie was elected. David Crombie was elected on this 45-foot bylaw restriction. I'm sure many of you don't recall that but there was a bit of a purge of councils at that time restricting densities to height limitations. Some would be surprised that I think John Sewell had a lot of good ideas when it came to local planning. I didn't agree with everything John Sewell stood for but I think he had some good ideas and I think the planning process that was instituted in a non-partisan way by the Conservative provincial government was a healthy and vibrant planning procedure.

Further to that, the OMB was initially established, I think with respect to taxes and the ability of municipalities to defer or debenture tax moneys, and it expanded to include the planning process. Not being able to speak for other communities—I can speak with some degree of certainty and background about the planning process that's been put in place by the municipalities of Metropolitan Toronto.

2130

I think anyone who would travel the streets of these fair cities and borough that we have in this community would agree that it's been well-planned from a transportation, development, housing, commercial, industrial point of view. We've maintained a city core in this city that is the envy, I think, of practically any American city I've been to. We have one of the finest transportation systems in the world, many times winning awards on a worldwide basis. I think if you go to Etobicoke or Scarborough, to North York, East York, York and the city of Toronto, what you have is communities and neighbourhoods that have been built, developed, planned and zoned to the finest level of public input possible.

You ask: Why do I mention this? I mention this because we now are addressing a piece of legislation that in one fell swoop does things that local municipal

councils are incapable themselves of doing. It's allowing a type of intensification to take place in our neighbourhoods and communities that I think would not be acceptable or adopted by duly elected officials at the municipal level. Why I feel so strongly about this is because this particular legislation flies in the face of any sane, rational and reasonable approach to planning.

I think you'll find a majority of planners who have been educated in the province who would tell you that widespread decision-making across all sections of this province dictated by a provincial government is not the way to plan communities in this province. It's not the way to develop intensification in housing in this province. As dearly held some of the principles of this place are, there's nothing that I think most municipal councillors would say they hold more important or close to their heart than the right to plan the communities they represent.

I understand the reasons for introducing this and the reasons for wanting to legitimize some basement apartments that are fundamentally illegal but practically there. Basement apartments are there and they will stay there because of the way the law sits today. A basement apartment will not be abolished as we know it. I think the number of basement apartments that have at least developed over the years in Metropolitan Toronto don't have a huge—it does have some impact, but does not have a huge impact on the way of life in Metropolitan Toronto.

But let me say this: There are people out there who would think about putting a basement apartment in but don't because they know it is against the bylaws and is restricted by local councils. Those people don't do that. For some reasons why they don't, we are lucky; I will tell you, there are reasons why we are lucky they don't.

The reasons are: planning doesn't just include intensification; planning doesn't just mean zoning and coverage and how many times coverage certain things are. Planning's got a lot to do with services; I ask the members opposite to remember that when they vote on this bill. Services include all services municipal governments offer.

I said before, and I'll say again, the services they offer are the day-to-day services people count on, the important things they count on to just live their life. When we talk about legislation, it does impact them in certain ways, in certain degrees, but municipal council decision-making impacts their everyday life. It impacts the roads they drive on, the transportation projects that've been built, the buses, the subways, the garbage that's collected from their curb, the schools that educate their children, the libraries they borrow books from, the parks they play in or simply sit in.

Everything about everyone's daily life is affected by a municipal council and the decision-making at that municipal council. Conversely, those decisions are affected very, very much by planning decisions made by those elected officials. I don't think there's anything more important that local councils make decisions about than how their city or municipality or village or town will look today as to how it will look in 20 years, because those are the kinds of planning decisions that get made.

If you think about some of the big planning issues in

the last few years in Metropolitan Toronto—you think of Harbourfront and you think of the changes that maybe should have been made there; you think of the SkyDome; you think of the downtown development in the city of Toronto and the expansion of the road networks down there and the impact those decisions had on all walks of life, from driving in to work or getting on the subway. Those decisions, I will submit to you, Madam Speaker, through you to the government, are best left to the people who are elected to make those decisions. You know why? Not one policy is good for all of Ontario. Not one policy can be implemented, from a planning point of view, for all the cities and towns in this great province. What's good in Wawa may not necessarily fly in Etobicoke. What's good in Kingston or Windsor may not be the best thing, from a planning point of view, for Scarborough or East York.

Mr Hans Daigeler (Nepean): That's what we said about the Sunday shopping.

Mr Stockwell: Some would say that's what you said about Sunday shopping, but I'm speaking from a planning point of view on decision-making and planning issues. Why I think it's important to leave those decisions to local councils is because local councils understand their neighbourhoods and the issues and the concerns that their people have, what their neighbourhoods can take and what kind of intensification is acceptable and will not impact on their communities.

Basement apartments in Parkdale is going to be a tough thing to sell. Maybe there is a need for basement apartments in Scarborough or some in Etobicoke, but in some areas it's just not going to work; it isn't. I think of Parkdale or some of the streets in Lakeshore and Etobicoke or some of the streets in the city of Toronto that are narrow, the services are absolutely loaded up to the teeth, the libraries are postage stamps, the schools are jammed, the roads are choked.

Hon Ruth Grier (Minister of Health): Because you put—

Mr Stockwell: Because why?

Hon Mrs Grier: Nothing.

Mr Stockwell: These are communities that are choked to the point that the city of Toronto doesn't clear the snow from some streets in the city of Toronto; they can't get a snowplow down the streets because the streets are so choked with parked cars. They just hope, believe it or not—the city of Toronto—the snow melts so they can get emergency vehicles down there when the time comes.

So I say to you that there isn't a carte blanche piece of legislation for basement apartments that will work in all parts of this province. That is why we have elected municipal councils. That is why these people make these decisions on planning. That is why a basement apartment in Parkdale won't work as well as a basement apartment in Scarborough or Etobicoke or, I don't know, Kingston or London. I only say this because I know, from history, that the arguments I put forth today are the same ones that were embraced by this party at the municipal level. The same arguments I put forward today are the same ones that were embraced by those I shared many long

debates with on council: the autonomy of a local council, duly elected, to plan its cities as it sees fit, by those people who live in those cities, work in those cities and have recreation in those cities.

I will say briefly, as I did, if there's one thing I want to say and get clear as I'm elected in this Legislature, and the same thing I said when I was not elected in this Legislature, we have a job to do here and I think we should do it. We should leave the responsibilities of federal politics to the federal government, and we should leave those responsibilities we've delegated to the municipal governments to them, because I'll tell you something: As sure as we're standing here today there are going to be 800-odd public hearings to amend official plans right across this province. In some neighbourhoods they will be accepted, but in lots of neighbourhoods they won't. I say, those people who oppose them will have a good reason to do so and they will cite some logical and sound planning reasons to do it, and they will have professionals out who will also argue very persuasively that this is the wrong kind of plan for this kind of neighbourhood.

2140

As I argued before this life here, the province should stay out of planning and local municipal autonomy. I make the same statement today. Please don't involve yourself in the issues of local council, because we have a lot of people who are elected to do just that. If you allow them to plan the communities we live in, I think they will be every bit as good as the ones we have lived in for the last number of years. If we get involved we'll lose sight of neighbourhood involvement, community involvement and people making decisions about the neighbourhoods they live in, and that's what has made our cities strong.

The Acting Speaker: Questions and/or comments? The member for York Mills.

Mr Turnbull: My colleague the member for Etobicoke West brings a depth of experience of municipal politics which is much broader than that of most people in this House. He has been in local municipal politics and he's been in Metro politics for many, many years. It's quite amazing how young he was when he was elected. He has been around these problems and, interestingly, also around many of the NDP proponents of planning for many, many years. He has been in contact with the Sewells and the Martins of this world, the Laytons, and indeed they have been emphasizing—and there are very, very few areas where I will agree with these NDP councillors, but I do believe that it is important—the need for local planning.

This bill undermines local planning, and my colleague has spoken to the very serious problem of providing services which will be overloaded, and yet no attendant increase in taxes will be achieved through putting these basement apartments in. It's the wrong bill. It will not achieve the creation of jobs that have been suggested by the Minister of Housing, and more than anything else this bill is just a product of ideology. It isn't a product of good sense. It flies in the face of what all of the municipalities are telling us and the member for Etobicoke West

has articulated very well. I wish I could speak as well as he does on an issue—any issue if it comes to that, but particularly on this issue. I think the members of the government would be well advised to consider what he has said.

The Acting Speaker: Questions and/or comments? Seeing none, the member for Etobicoke West can reply.

Mr Stockwell: I certainly thank the member for York Mills; I appreciate his comments.

I just want to make a quick point from one of the arguments the member brought up. If we take an average subdivision, in an average subdivision let's assume there are 2,000 homes, and of those 2,000 homes now automatically 2,000 may have basement apartments. So really what you've just discovered here is that that's an application for 2,000 units in one area.

If you were elected to local council and an application came in for 2,000 units, you would be into a prolonged period of public comment, public debate, public hearings, probably amendments for official plans, zoning negotiations, probably a visit to the OMB and so on and so on, a two- or three-year period. That's just one neighbourhood. For all the homes in this province we could be potentially—and I don't know how many homes there are, single-family row housing and semi-detached. We're approving literally hundreds of thousands of apartments with not a public hearing, with not an OMB hearing, with not a negotiation for zoning or development. Just grasp that. That's what we're approving today.

In any major metropolitan area a project for 20 units goes through a process that is so long and so arduous it would be beyond belief in some instances. Literally, with the passage of this legislation, we're approving hundreds of thousands of units with not a study, not a planning document, not a zoning document, not an official plan document, not a trip to the OMB, not any of that, and you couldn't do that for 15 units in any city in this province.

The Acting Speaker: Further debate? Seeing none, by prior agreement of this House, there will be a division on this bill, Bill 120. It will be deferred until Monday, December 13, immediately preceding orders of the day.

House in committee of the whole.

TEACHERS' PENSION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LE RÉGIME DE RETRAITE DES ENSEIGNANTS

Consideration of Bill 121, An Act to amend the Teachers' Pension Act / Projet de loi 121, Loi modifiant la Loi sur le régime de retraite des enseignants.

The First Deputy Chair (Ms Margaret H. Harrington): Shall sections 1 through 10 carry? Carried. Shall the title carry? Carried.

Shall I report the bill to the House? Agreed.

HIGHWAY TRAFFIC AMENDMENT ACT
(DIMENSIONS AND WEIGHT), 1993

LOI DE 1993 MODIFIANT LE CODE
DE LA ROUTE (DIMENSIONS ET POIDS)

Consideration of Bill 74, An Act to amend the Highway Traffic Act / Projet de loi 74, Loi modifiant le Code de la route.

The First Deputy Chair (Ms Margaret H. Harrington): Are there any questions, comments or amendments, and if there are amendments, to what sections?

Hon Gilles Pouliot (Minister of Transportation): I intend to move not one but two amendments to the bill. They're housekeeping amendments. They make the bill workable and give it life at the appropriate time during the clause-by-clause consideration of the bill, these being subsection 2(1) of the bill, a proposed definition of "box length" in section 108 of the act, subsection 3(2) of the bill, and proposed subsections 109(10), (10.1) and (10.2).

Mr Hans Daigeler (Nepean): I understand that the Chair and I think the government as well as the third party have received the amendments that I wish to move, in subsection 3(2.1) and subsection 109(17), subsection 3(4). I will read them into the record at the appropriate time, but just briefly, they deal with allowing longer motor coaches. I will be speaking to that a little bit to explain to the public who may be watching still at this late hour what this is all about.

Mr David Turnbull (York Mills): I too have two amendments. The first amendment, in light of the wording of the Liberal amendment, is actually an amendment to the amendment. I will be speaking to that a little later.

The First Deputy Chair: Thank you very much. We'll go through the bill.

Shall section 1 carry? On section 1, are there any questions or comments?

2150

Mr Daigeler: Just a brief comment. I do want to say that I appreciate the opportunity and I'm sure the trucking association and the people who work in the trucking industry are still following this matter, because they have been working on putting this bill before the House very diligently for a very long time, and I'm sure they're pleased to see the progress now that we are, even though we're coming very close to the adjournment hopefully of the House before the Christmas session, dealing with this matter, because I think, as we've said already on second reading, this is a matter that is of great importance.

As is mentioned in section 1, we're dealing here with allowing longer trucks. Sometimes they have been referred to as monster trucks, but I think those really are the wrong words to use. We are really talking about putting Ontario on a level playing field with most other jurisdictions in North America, and that's why I certainly will be supporting the section that's before us and the other sections as well.

The First Deputy Chair: Any further questions or comments on section 1?

Mr Turnbull: As you will appreciate, since I've been Transportation critic I have been asking the minister to enact this legislation, which is urgently needed and one could say is overdue. We have had a competitive disadvantage in Ontario in that Ontario was, with the exception of the Maritime provinces, the only place in either the US or Canada that did not allow a standardized length of truck. We had Quebec on the one side and all of western Canada and the whole of the US interstate which allowed

for these larger trucks. They're not monster trucks, as my colleague from the Liberal Party has stated; they're just a standardized truck which makes for rationalized manufacturing and allows the trucking industry of Ontario, which has been suffering for some length of time, to be able to start thinking of replacing its aging equipment so that we will become more competitive. So we are very welcoming of section 1.

The First Deputy Chair: Are there any other speakers who wish to address section 1? Seeing none, shall section 1 carry? Agreed.

Section 2: I believe the minister has amendments.

Hon Mr Pouliot: I move that the definition of "box length" in section 108 of the act, as set out in subsection 2(1) of the bill, be struck out and the following substituted:

"'box length,' in a combination of vehicles having more than one trailer, means the external measurement from the front of the foremost trailer to the rear of the rearmost trailer, including load, but excluding any portion of auxiliary equipment or machinery that extends beyond the front of the foremost trailer and that is not designed or used for the transportation of goods. ('longueur de la caisse')"

The First Deputy Chair: Does the minister wish to address his amendment?

Hon Mr Pouliot: It's something that I can recite by heart, but for the benefit of the record, this motion is directed towards giving the intended effect to the legislation and to overcome a recent court decision that would require internal measurement of trailers. Really, the only practical way of measuring a loaded trailer is externally.

Mr Turnbull: This amendment is urgently needed due to a very strange and quite bizarre ruling by a judge in London who ruled that somehow the truck should be measured from the inside. I'm not sure what the judge had for lunch that day, but it was certainly a pretty strange ruling. This is an urgently needed amendment.

Mr Daigeler: Just briefly, while I have no problems with the amendment and I do accept the explanation by the minister, I think it would have been nice to at least have sent this and alerted me to this amendment being made. Anyway, since it is there, I take the minister at his word. I don't even have the amendment in front of me, but I do take him at his word since we are in a good Christmas spirit.

The First Deputy Chair: Shall the amendment carry? Carried.

Shall section 2, as amended, carry? Carried.

Are there any amendments to section 3? I believe the minister has one.

Hon Mr Pouliot: I move that subsections 109(10), (10.1), (10.2) and (10.3) of the act, as set out in subsection 3(2) of the bill, be struck out and the following substituted:

"Maximum length of semitrailer

"(10) Subject to section 110, no semitrailer shall have a length with an external measurement, excluding any portion of auxiliary equipment or machinery that extends

beyond the front or rear of the semitrailer and that is not designed or used for the transportation of goods, that exceeds 14.65 metres while on a highway.

"Exception

"(10.1) Subsection (10) does not apply to a semitrailer designed to carry vehicles.

"Same

(10.2) Despite subsection (10), a semitrailer used in a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation may have a length with an external measurement, excluding any portion of auxiliary equipment or machinery that extends beyond the front of the semitrailer and that is not designed or used for the transportation of goods, that does not exceed 16.2 metres while on a highway."

For some, it is an intricate matter. People at MTO have searched long and hard to make the matters sound indeed. This is keeping the safety. It gives life to the bill. My colleagues at caucus, on many, many occasions, have had the opportunity to review it. I thank the good people at MTO who have made a career of making our roads among the safest in North America. I thank them for being diligent, because it's a meticulous part of the situation, and our counsel as well for having a great deal of what I find is excitement but what other people see as a housekeeping matter. I thank you for the opportunity.

The First Deputy Chair: Any further comments to this amendment? Shall this amendment carry?

Mr Daigeler: Are we not reading all the amendments first or is it one at a time?

The First Deputy Chair: We'll do each amendment separately, vote on each one.

Shall this amendment carry? Carried.

I believe Mr Daigeler has an amendment to section 3.
2200

Mr Daigeler: I move that section 3 of the bill be amended by adding the following subsection:

"(2.1) Section 109 of the act is amended by adding the following subsection:

"Same

"(11.1) Despite subsection (11), a bus that meets the requirements prescribed by regulation may exceed the length of 12.5 metres."

The First Deputy Chair: Mr Daigeler has moved that section 3 of the bill be amended by adding the following subsection:

"(2.1) Section 109 of the act is amended by adding the following subsection:

"Same

"(11.1) Despite subsection (11), a bus that meets the requirements prescribed by regulation may exceed the length of 12.5 metres."

Would the member wish to address his amendment?

Mr Daigeler: Yes, I would, and a little bit longer than to the other amendments, because I think this is a relatively substantive amendment and I would like to explain why I am moving this matter and why I think that, if it is approved, it is a significant addition to this

bill. As the motion says, it allows longer motor coaches, not dramatically longer coaches, but again, like with the trucks, it puts us on a level playing field with the other jurisdictions in Canada and with the US.

I will not take that long, but I would just like to read into the record a letter that was sent to the Minister of Transportation last April which I think spells out quite clearly why the motor coach industry is so interested in this particular amendment and this particular matter and why the motor coach industry and all the people associated with it certainly would like to see this change.

This letter is from the then president of Motels Ontario; it isn't even from the motor coach association but from Motels Ontario. Bruce Gravel writes:

"There is something that your ministry can do that is quick, easy, and would serve to dramatically boost tourism into Ontario. Immediately legalize 45-foot motor coaches, so that they can operate on Ontario highways." Ontario's beleaguered tourism industry needs this addition. Our competition has already legalized the coaches, namely, the United States (as of December 1992) and our border provinces of Quebec and Manitoba. Tourism in Ontario, already on its knees because of this ongoing recession, will be further harmed unless Ontario legalizes 45-foot motor coaches without delay.

"Here is the problem: Carriers in the United States, Quebec and other Canadian provinces have already purchased 45-foot motor coaches (over 190 such vehicles since December, 1992). These carriers have planned tours to Toronto and other Ontario destinations. Now, however, they find they cannot bring in their coaches to this province. This is hurting Ontario tourism. For example, one US operator sold 52 tickets for a long weekend package to Toronto from Pennsylvania to see Phantom of the Opera, eat at local restaurants and stay at a Toronto motel. He priced this package on the basis of using the 52-seat, 45-foot motor coach. This carrier now must cancel some of these tickets, or use two vehicles—either option is uneconomical and a great deterrent to tourism."

This is just a brief quote from this letter which I think explains quite well, concretely, why the tourism industry and not just the motor coach industry is very interested in this particular provision and why it certainly, on behalf of tourism is supporting the request from the motor coach association. They of course have written letters as well to the government and have been in touch with the critics of the opposition to try and convince the government that the time for this particular measure has come.

I should say that the ministry has in fact looked into this matter. This is not something that I'm moving forward just on the spur of the moment, but I'm pleased to see that the ministry has looked into it and has made some consultations. In fact, in the original omnibus bill that the government was planning to introduce, they informed us that they were going to bring forward these longer buses as well. In preparation for this the ministry officials, which I appreciated, gave me a briefing and they advised us of some of the groups that they had consulted and whether anybody had any major objections out there to this particular provision.

Frankly, I think it was good and certainly helped my

decision when I saw who the people were who were consulted. For example, there were providers of service such as GO Transit, Via Rail Canada, Ontario Northland Transportation Commission. There were labour organizations, which of course I can understand: the Amalgamated Transit Union, the Canadian Brotherhood of Railway Transport and General Workers, CAW Canada, the Teamsters joint council. The minister saw all the stakeholders—it looks like it; I am not sure. Again, I'm taking the minister at his word when he says all the stakeholders.

At least there's a good smattering of what would seem to be the major stakeholders in this area. There are interest groups here obviously—Ontario Motor Coach Association, Canadian Urban Transit Association, Canadian Bus Association, Canadian Automobile Association—and quite a few others: Ontario Road Builders Association, Green Transportation Campaign and so on, Better Roads Coalition, Hamilton Automobile Club; I think that was good. Transport 2000 as well.

I had an opportunity, and probably later on tonight again, to refer to Transport 2000. They were consulted about this matter and I understand—by the way, there was also the Association of Municipalities of Ontario and the Board of Trade of Metropolitan Toronto. It appears, again at least from what I was provided with by the ministry, that the responses have been for the most part positive. "Responses received by ministry staff indicate that there's broad concurrence with the proposed length extension."

For example, the Hamilton Automobile Club wrote, on behalf of CAA Ontario and the Hamilton Automobile Club, "We have no objection to your proposal to increase the length of intercity motor coaches from 41 to 45 feet."

Also Transport 2000, as I indicated a few nights ago with regard to the longer trucking bill, which has been critical to some extent about Bill 74, said, "We agree that longer coaches would permit increased accessibility for the elderly and disabled and are therefore a good idea." They are mentioning here a point that I haven't raised yet, that in fact these longer buses will make it possible for the disabled to have better access to the buses, because apparently it will be easier to provide the appropriate means to build the buses so that they are more fully accessible for disabled people. That's why Transport 2000 said it is supporting this particular project.

The United Transportation Union wrote, "Our members do not have a problem with increased size for intercity buses."

It is because of these reasons and because of the consultation that has taken place and because of the clear indication by the representatives of the tourist industry and by the representatives of the motor coach association of Ontario that I'm pleased to move this amendment. I encourage the House to support it.

Mr Turnbull: I would like to move a friendly amendment to Mr Daigeler's amendment. It reads as follows, that the words "other than an articulated bus" should be inserted after the words "a bus" in the first line.

2210

The purpose of this tracks correspondence that I've had with the Ontario Motor Coach Association; it has in fact suggested that wording, which follows the actual wording of the bill that we are amending. I would suggest, for the government's protection, that if this wording is not included, it could perhaps change the nature of the bill.

I have had some discussion with the minister earlier tonight. I believe he feels that it is not necessary, after having discussed it with staff. However, I would just point out that that wording is in the actual bill, so that's why I moved this friendly amendment.

The Ontario Motor Coach Association has also suggested that in addition to this amendment to the amendment, the following should be inserted into the regulations:

"For the purpose of subsection 109(11.1) of this act, a bus other than an articulated bus, the length of which exceeds 12.5 metres, may be operated on the highway if:

"(a) it is a public vehicle licensed to operate commercially in intercity passenger service under the Public Vehicle Act and equipped with air-ride or torsion bar suspension, reclining seats, baggage capacity separated from the passenger cabin, motive power that is mounted to the rear of the front axle and is commonly known as an intercity motor coach; and

"(b) the overall length including the bumpers does not exceed 14 metres; and

"(c) the effective rear overhang does not exceed four metres; and

"(d) there is a minimum of three axles; and

"(e) any dual axle has a spacing between 1.2 metres and 1.95 metres; and

"(f) any two-axle group has a spacing between 1.2 metres and 1.85 metres; and

"(g) the load carried by any dual-axle or two-axle group is distributed between axles in a ratio corresponding to the number of tires on each axle."

Technically, we cannot insert this in the bill; this is at the government's discretion. But I have read in this suggestion for the regulations at the request of the motor coach association. I believe it is probably in the best interests of everybody concerned if that were incorporated in the regulations, so that is my suggestion with respect to the amendment to the amendment.

The First Deputy Chair: Are there any questions or comments to Mr Turnbull's amendment to the amendment? Seeing none, shall the amendment to the amendment carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

I declare the amendment to the amendment lost.

Are there any further comments to Mr Daigeler's amendment?

Hon Mr Pouliot: Simply that Mr Daigeler's amendment—I'm convinced he would acquiesce that, with the highest of respect, in this context it's the Daigeler-

Turnbull amendment. What Mr Turnbull has said by way of amendment to the amendment is that he wished to strengthen the regulations, and that's all he has said. That point is welcome, but we voiced that in the negative because we don't wish to have it reflected in the bill. But loud and clear he has spoken to us, and we are listening. We are saying no to the amendment to the amendment only for that reason, but the amendment itself is an amendment with a degree of cooperation between the two opposition parties and the government.

The First Deputy Chair: Would Mr Turnbull wish to comment?

Mr Turnbull: No, I quite understand the minister's comments. I just reserve the position that I would like to speak on section 3 of the act in the generality after we have voted on Mr Daigeler's amendment.

The First Deputy Chair: Shall Mr Daigeler's amendment carry? It's carried.

Are there any further questions or comments to section 3?

Mr Turnbull: With respect to section 3, the other evening in second reading debate of this bill, I brought to the minister's attention once again this concern about overhang with respect to transporters which transport automobiles. Auto Haulaway has a concern that in Ontario, regulations do not allow the loading of 10 cars; that would require an interpretation of the bill which would allow for a three-foot overhang of the load in the front and a four-foot overhang in the rear. It has been proven that there is no safety-related concern with respect to that kind of configuration, and in fact the safety record of such auto transporters is significantly better than most modes of transportation.

In the debate the other night the minister indicated in response to a question I put to him that he believed indeed such a ruling could be by way of regulation, that the bill does nothing to preclude the ministry from allowing this three-foot front overhang and four-foot rear overhang, which would bring us into the level playing field we keep on talking about with the US.

So I'm not bringing forward an amendment at this time, because the minister suggested it was possible to bring those changes forward by regulation, but suggested at that time that he wanted to consult broadly with the group he had arrived at a consensus with, with respect to this bill. I do encourage the minister to start those consultations as soon as possible. There is a letter from Auto Haulaway that I would like to read into the record.

"Dear Mr Turnbull:

"Thank you for the opportunity to meet this morning and discuss Auto Haulaway's concern with Bill 74, An Act to amend the Highway Traffic Act, containing the long truck amendments.

"As we discussed, although the wording of the legislation is broad enough to include auto carriers, Auto Haulaway has been denied the opportunity to have overhang on our carriers. Section 3 of the proposed legislation contains new wording which amends subsection 109(7) of the current Highway Traffic Act. The amended wording is broad enough to include auto

carriers, yet we have not been permitted to obtain interim permits that are available to freight transporters.

"Auto Haulaway believes that the broad structure of the wording under section 3 of Bill 74 pertaining to subsection 109(7.1) of the Highway Traffic Act allows the Minister of Transportation discretion to prescribe by regulation the equipment to which the 25-metre length applies. I have attached for you a draft regulation which Auto Haulaway offers as a possibility to accompany subsection 109(7.1)."

I would just like to read in that proposed regulation that perhaps the minister would like to include:

"Notwithstanding other provisions of this legislation, the provisions under subsection (7.1) permitting a total vehicle length of 25 metres will apply to auto carriers operating in Ontario.

"Auto carriers are vehicles which have an overall vehicle length of 82 feet," which is 25 metres, "comprised of a vehicle length of 75 feet six inches and an overhang of no more than six feet six inches, are designed exclusively for the transportation of motor vehicles and contain a total of five axles, including one single axle at the front end."

2220

Once again, this is just to clarify what I suggest would be the appropriate regulations the minister should publish. I do urge him as expeditiously as possible to go into consultation with the group with which you had the consultations leading to this bill so that Ontario can enjoy a level playing field with the US states with which we trade in automobiles.

The First Deputy Chair: Thank you for your suggestions. Further questions or comments or amendments to section 3?

Mr Daigeler: I have a further amendment. I move that section 3 of the bill be amended by adding the following subsection:

"(4) Section 109 of the act is amended by adding the following subsection:

"Same

"(17) The Lieutenant Governor in Council may make regulations prescribing requirements for the purpose of subsection (11.1), including prescribing maximum length, bus type and use, load distribution, configurations and requirements for components, equipment and safety features."

The First Deputy Chair: Mr Daigeler has moved that section 3 of the bill be amended by—dispense? Agreed? Dispensed.

Mr Daigeler, would you wish to address your amendment?

Mr Daigeler: As often happens with various amendments, if you put forward one amendment, usually you have to put forward another one, and this one is of that same nature. This simply permits the Lieutenant Governor to make regulations that will put in place the amendment that was passed earlier.

The First Deputy Chair: Any further comments on this amendment?

Mr Turnbull: As this wording identically follows the wording of a Conservative amendment, I shall be supporting this.

The First Deputy Chair: Any further questions or comments? Seeing none, shall Mr Daigeler's amendment carry? Carried.

Shall section 3, as amended, carry? Carried.

Shall sections 4 through 7 carry? Carried.

Shall the title carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

HIGHWAY TRAFFIC AMENDMENT ACT
(NOVICE DRIVERS), 1993

LOI DE 1993 MODIFIANT LE CODE
DE LA ROUTE (CONDUCTEURS DÉBUTANTS)

Consideration of Bill 122, An Act to amend the Highway Traffic Act / Projet de loi 122, Loi modifiant le Code de la route.

The Acting Chair (Mrs Margaret Marland): We are dealing with Bill 122. Are there any amendments to Bill 122? If so, to which sections?

Hon Gilles Pouliot (Minister of Transportation): We have no amendments.

Mr Hans Daigeler (Nepean): I do have some amendments. I'm not sure whether they're going to be as well supported as, say, in the previous bill. I certainly hope so. I have an amendment to section 3 of the bill, subsection 33(2) of the act, and I will move that at the appropriate time. I have amendments to section 5 of the bill, subsection 48.1(14) of the act; section 5 of the bill, section 48.2 of the act; section 7 of the bill, clause 57.1(1)(a) of the act; section 7 of the bill, clause 57.1(1)(c) of the act; and finally, section 7 of the bill, clause 57.1(1)(o) of the act. I present the table with the appropriate amendments in writing.

The Acting Chair: Are there any questions or comments to section 1 or 2?

Mr Daigeler: Seeing that the minister is ceding the place, I just want to briefly say again I think, for the public, we should let the public know what this is all about. I do think this is a very important initiative, perhaps even more important than the one we were just talking about, if one can use this kind of language in this context.

We are talking about the graduated licensing system. We did have an opportunity to speak earlier on second reading why I will be supporting this particular bill, why my party will be supporting this bill and why also, frankly, there were some reservations and hesitations, I think as is reasonable and understandable, coming especially from the rural members, about this initiative.

As I said on second reading and as I said in the hearings we had, this is an initiative that has been in the making for some time. Usually with experience one becomes wiser, but in this case the experience hasn't only made us wiser, unfortunately the experience, the time that it has taken to come to this point, also has led to many more accidents and many more even fatal accidents of our young people and among our young people and about

older new drivers as well. That is frankly a learning, an acquired wisdom that I think we probably all regret, because we would have hoped that it would not have taken the continued accident rate to convince us to move forward and to convince the government to move with this forward.

But be that as it may, what this is about is trying to help, in a non-paternalistic way, hopefully, the newer drivers, be they younger or be they older, to gain that experience that will make them drivers who can cope with the often unexpected situations that occur on the road.

Since we have on numerous occasions been told by those in the know, by especially the Traffic Injury Research Foundation in Ottawa, which has been doing extensive studies on these questions, and of course by the insurance industry, by the coroners, by nurses, by police people and many others who appeared before the committee—they all have told us that experience is needed and that certainly they supported this project of graduated licensing.

In view of all these strong arguments that were made that we have to help and give our new drivers a certain length of more experience before they can fully drive on their own in the modern, usually hectic, traffic, the idea of graduated licences has come about. I think it is coming about in a way that places restrictions, but limited and reasonable restrictions, on the new drivers.

If the minister accepts some of my amendments, I think the restrictions will be even more reasonable and will perhaps be even more easily accepted in the rural community. But we'll see what the minister says when we get to those sections.

2230

The Acting Chair: Are there any further questions or comments?

Mr David Turnbull (York Mills): This is good legislation. It's legislation which was overdue and we should get on with it. The reason that the Conservative Party is not bringing forward any amendments to this bill is because, I think more than anything else, the Ministry of Transportation has responded, first of all, to suggestions which we have made in terms of improving the bill, and there have been some changes. But further than that, we've been persuaded that any further changes to the bill might make it more difficult to get accepted by the public at large.

In terms of any further restrictions on alcohol in the blood level of the accompanying driver, we have been persuaded that the government has in its possession a legal opinion suggesting that a charter challenge would ensue if the blood alcohol level were to be changed from the presently contemplated 0.05 to 0% blood alcohol.

It would seem unfortunate that we cannot change this, because it certainly is in the best interests of new drivers to be accompanied by somebody whose reflexes are indeed the sharpest they can possibly be. But the fact is that we allow people to drive cars with up to 0.05 blood alcohol with impunity and that is the law of the land.

The police can find you drunk in charge if you have

0.07. But if you have 0.05, they can suspend your licence for a 24-hour period without any point loss. So it would seem unfortunate if we were to undermine this legislation and at the same time lay it open to a charter challenge, which the taxpayers would have to pay for, which we must all be most cognizant of. For this reason, the Conservative Party will not be bringing any amendments forward.

We believe that our concerns have been addressed prior to the introduction of this bill because of the particular way in which the government went about having consultation prior to the actual bill coming forward. It's one of the few times that I've truly enjoyed the experience of being on a committee and working in fact with the government to produce good legislation.

The Acting Chair: Are there any further questions or comments?

Hon Mr Pouliot: This is the process of deliberation. This is the process of consultation. This is a time when several options were examined. Recommendations were unanimous from each and every member of the committee.

We say, with respect, we will be supporting the position in this endeavour, in this law, of Mr Turnbull, who proposes on behalf of his party that no amendments be added. We will take, with respect, as food for thought the recommendation voiced on behalf of the Liberal Party from Mr Daigeler. However, we strongly believe that what has been proposed here is balanced. We've seen the beginning, the middle and the end of due process. It is the kind of endeavour that is an invitation in any event to more and more suggestions, all good ones.

We feel that the bill is effectual. You can work with this bill. It has struck a balance. It has found its equilibrium. Therefore, with the highest of respect, we hear loud and clear what has been said; we respect the positions which parallel that of Mr Turnbull on behalf of the Conservatives. We shall not be supporting any amendments.

The Acting Chair: Any further questions or comments on section 1 or 2?

Shall sections 1 and 2 carry? Carried.

Are there any questions, comments or amendments to section 3?

Mr Daigeler: I have an amendment to section 3 of the bill, subsection 33(2) of the act. I move that subsection 33(2) of the act, as set out in section 3 of the bill, be amended by striking out "as defined under section 57.1" in the first and second lines and substituting "as defined in section 48.2."

The Acting Chair: Mr Daigeler has moved that subsection 33(2) of the act—dispense? Dispensed. Any comments on Mr Daigeler's amendment?

Mr Daigeler: I'm glad, Madam Chairman, that you only dispensed with the reading and didn't dismiss the amendment. I still have some hope on the part of the minister. I would just simply at this point, to shorten the time a little bit, explain why I am moving some amendments and what these amendments contain.

This particular amendment we have in front of us I'm sure to the public does not mean very much and may not mean very much to the rest of the members of the House, because the real meat of the amendments only comes later on. So that you know why this amendment, I will explain the two key points that we are trying to convey to the government and to the House.

The first point is that in the present bill and in the present regulations, the accompanying driver in level 1 has to have a driving experience of at least four years. This whole matter is a little bit complicated, so bear with me. There is a level 1 driving experience and there is a level 2 driving experience. In level 2, which normally happens after one year or possibly after eight months if you've taken driving lessons—the minister is looking at me to make sure that I'm saying it properly and I hope I do.

In level 2, you basically have no longer any restrictions, except zero alcohol for the driver. In other words, in level 2, in the second year of your driving experience, you don't have to have an accompanying driver with you any more. Frankly, quite a few people were under the impression that, even in level 2, you had all these restrictions and you had the requirement of an accompanying driver as well. This is not the case.

But in level 1, which is essentially the first year of your driving experience, you have to have an accompanying driver. You yourself as a driver, if you are the driver, have to have zero blood alcohol, but the accompanying driver has to have 0.05 alcohol. So he can have a little bit of alcohol, not too much, but under the current regulations, everybody else, what the standard is.

In addition, that accompanying driver has to have at least four years' driving experience. What is that four years? That often was raised as a question at the committee hearings. The four years start as soon as you enter the system. So if you start the system when you're age 16, let's say, you have to be basically at least 20 years of age in order to qualify as an accompanying driver. You have to have four years of driving experience.

2240

Hon Mr Pouliot: The new driver could be 30.

Mr Daigeler: Just to make it easy for the public, because I think it's probably most often the case that we're talking about a younger driver, somebody new, let's say you start out at 16; the first time you can be an accompanying driver would be at age 20.

Frankly, this provision is creating some difficulty for rural members. I've re-read the Hansard of the second reading debate and it's creating problems not just to some rural members from the Liberal caucus, but also from the Conservative caucus. I read the remarks from the member from Grey who spoke quite frankly and openly about his concerns as well about these restrictions in his riding and how that will affect the rural community.

There were several others, mostly from, as I say, rural parts of Ontario, but also from northern Ontario. Frankly, my own area where I come from, even though it's suburban, nevertheless is almost rural in the sense that once it's late in the evening, there's very little public

transportation as well. It's quite a way—

Interjection.

Mr Daigeler: The minister asks where that is. It's in Barr Haven, in southern Nepean. It takes quite a while to get, for example, to school for my children. They're on the bus at least 45 minutes to an hour to get to their high school.

In any case, the amendment I'm putting forward reduces that limitation or that requirement of four years to essentially two years, or as we are saying later on in the amendment, simply anybody who is fully qualified and fully licensed as a driver can qualify as an accompanying driver. That means if you're 18 and you've gone through level 1 and level 2, you've passed the various tests, then you can also be an accompanying driver.

We think that maintains that requirement of experience and of learning and of perhaps maturity as well, and we think it would not significantly alter the very basic purpose that the minister has with his legislation, and we therefore feel that's a reasonable amendment.

I should say that I think I took part in most of the hearings and that question of the accompanying driver, the length of experience, I must say didn't really come up as a concern. There was a concern about the zero alcohol and the 0.5 alcohol, but on the length of experience, the question was more: How long is that four years? When does it start? But on the four years itself, people hadn't thought what might be available as well.

However, in thinking about it, that's why we have first, second and third readings. When we looked at this matter again, when we heard from our rural colleagues, we thought that reducing the requirement from four years of experience for the accompanying driver to two years was reasonable.

Related to this requirement is also that second amendment we are making, and they really hang together, that the accompanying driver—here we are stiffer than the government—too should have zero alcohol just in the same way as the driver himself or herself. We're seeing this now especially because we are reducing the requirement of experience from four years to two years. For that reason in particular, I think it makes sense to have both the driver and the accompanying driver with a zero blood alcohol requirement.

My colleague Steve Offer, the member for Mississauga North, has been very strong and at the committee level already spoke forcefully very often about the requirement. In fact, he even introduced a bill in this House to require that the accompanying driver have a zero blood alcohol level as well.

These are the two amendments we're making. These amendments require more than two amendments in order to put it into legal language, but this is the substance of what I'm proposing and what the Liberal Party is proposing tonight. I encourage the minister to think about what I've just said in my explanation, and perhaps he will see his way to support these amendments, especially in view of the fact that he too has rural members in his caucus, and I'm sure they have voiced similar concerns as my colleagues and my caucus and the colleagues in Mr

Turnbull's caucus who are from northern Ontario and in rural Ontario.

Mr Turnbull: As I said before in my opening comments, I'm extremely sympathetic to the thrust of Mr Daigeler's amendments. However, we feel that in light of the legal opinion that the ministry has in its hands as to the likely charter challenge if one were to reduce the blood alcohol level requirement of an accompanying driver, it would seem to be courting disaster in something where we have good legislation. We allow drivers at the moment to drive with this level of blood alcohol and it would seem inappropriate to encourage a charter challenge on what is otherwise a pretty good bill.

Mr Robert V. Callahan (Brampton South): I'd like to bring to the attention of and get some information from the minister. I'm referring to the Insurance Act, Subsection 234(2), which is the statutory conditions section of the existing act, reads in part as follows:

"5(1) The insured shall not drive or operate or permit any other person to drive or operate the automobile unless the insured or other person is authorized by law to drive or operate it."

Minister, your act doesn't tell us what the requirements are of a graduated licence driver, but I understand from certain information I've got that a person will not be able to drive after midnight, will not be able to drive on the 400 series of highways.

Let me give you this hypothetical situation. A person is out driving who is a graduated driver, and they get a flat tire. It's now 10 minutes after the bewitching hour, midnight. They drive the car. They are therefore no longer licensed. Under that statutory condition, the insurance company would be allowed to say, "You are not covered if you had an accident." I'm sure they couldn't deny liability for the third-party coverage, but they could certainly deny liability to the parents, who are probably the owners of that car, on their collision damage.

What I want to know, Minister—I think I'm right, and if I'm not, I'd like your officials to tell me I'm not right—is if I am right, are you going to build into this bill or have you got—well, I don't want assurances from the insurance companies; I want it built into this bill that the insurance companies cannot deny liability under the collision portion of their policy based on a breach of statutory condition 5(1).

2250

If that's not the case, Minister, then it should be in there. I won't vote for this bill if it's not, because as I say, in the majority of cases you're going to have young people who are going to be responsible people who want to get home under the terms of their licence, who for want of an event that they can't control—I know your answer may be that they've got the secondary driver next to them. That also concerns me, Minister, because if the secondary driver next to them—and here's my second hypothetical situation.

My children are not children any more; they're adults. But if I were a young parent with people who might fit into this category and they're out at a party where they

have to have this secondary driver to legitimize their licence to drive on the—whatever the conditions are, and we don't know what they are because they're under regulation. I don't want my kid to have to go around that party and find somebody who is sober, who has a licence, who can become the secondary driver.

In essence, the reality of the day is that young people, when they go out to a party, they're going to have difficulty. Hopefully, they will be smart enough to call up mom or dad and say, "Come get me."

Hon Mr Pouliot: No, that's not the example you wish to give.

Mr Callahan: Let's be realistic. This is a bill that is going to fit all people and all circumstances, and we're not going to say that they're all not going to experience this particular situation.

I understand the purpose of your bill. I think it's laudatory that we want to ensure the safety on our highways. I also have to tell you, Minister, that some of the specifics we looked at in the *Star* recently said that on the 400 series of highways there were 28 accidents in a year. On the secondary highways, where you want them to drive, there were probably about 10% to 15% to 100% more accidents.

Let's be realistic. If we're trying to save lives and ensure the safety of people, let's ensure we do that and do it appropriately.

At the same time, let's make sure that we're not giving the insurance companies—I have to say, with all due respect—another opportunity to opt out of covering the damage that may be denied the parents, most specifically, under 5(1) of the statutory conditions of the Insurance Act.

The Acting Chair: Further questions or comments?

Mr Callahan: I'd like an answer to that.

Hon Mr Pouliot: Well, wait till question period.

Mr Callahan: I'm sorry? The minister has three people there who, surely to God, can give me an answer to that. I think the people deserve it.

Hon Mr Pouliot: You've mentioned, quoting verbatim what you've said, that you had a hypothetical situation. I'm not going to bore you. You deserve better than a hypothetical answer.

You've mentioned also that you might or might not be supporting the bill as presented. I look forward to your contribution. I respect you in your opinion votewise, for your party is on record that it will support what is being presented and so is the Conservative Party.

It's an interesting point or point in law. We want to make sure, examining your comments verbatim, that we respond correctly, line by line, to alleviate your fear and to help you better appreciate and understand what is in front of us. In the fullness of time, or I should say in relatively short order, you will be given an answer to each and every question you have raised.

I thank you for your contribution.

Mr Callahan: Is that an undertaking from the minister that if I'm correct, this will become part of this bill? Because if it doesn't, then I suggest, Minister, that to pass

a bill without that is a great injustice to the parents of this province in terms of—and the whole episode has become just a charade.

Hon Mr Pouliot: Any suggestion that saving lives has become a charade is not the least bit impressive. We are much more concerned with putting into practice what has been arrived at unanimously, actually after years of searching and debate, than to question a line that doesn't even exist, to try to prove to the audience in Ontario that in terms of legalese we can go one step better.

What you see here, my friend, is what you get. It has the unanimity of people of all three political parties, of the consultants, of the police, of the faculty of law at the University of Toronto and elsewhere, of everyone concerned.

The Acting Chair: Further questions or comments on the amendment.

Mr Turnbull: The point that is made by the member for Brampton South is a very important issue. I don't want to belabour this, but it is somewhat of a concern when you look at the situation that he's depicted where somebody for some reason is delayed and cannot get home before the witching hour under those circumstances. I think I know what the answer is to this, and just as I stood up I suddenly realized that the fact that they would have an accompanying driver with them who could drive the vehicle home would, I suspect, solve the problem for the member. But we certainly wouldn't want to get into a situation that insurance for any reason were denied in the case of an accident where the mishap had occurred earlier.

The Acting Chair: Further questions or comments on the amendment.

Shall the amendment carry? All those in favour? Opposed? The amendment is lost.

Shall section 3 carry? Carried.

Are there any questions, comments or amendments to section 4? Shall section 4 carry? Carried.

Are there any questions, comments or amendments to section 5?

Mr Daigeler: I have an amendment to section 5 of the bill. I move that subsection 48.1(14) of the act, as set out in section 5 of the bill, be struck out and the following substituted:

"Definitions

"(14) In this section and section 48.2,

"'novice driver' has the meaning prescribed by the regulations made under section 57.1; ('conducteur débutant')

"'provincially approved screening device' means a device of a kind that is designed to ascertain the presence of alcohol in the blood of a person and that is prescribed by the regulations made under section 57.1. ('appareil de détection approuvé par la province')

The Acting Chair: Are there any questions or comments on the amendment? Shall the amendment carry? All in favour? Opposed? The amendment is lost.

Further amendments, Mr Daigeler.

2300

Mr Daigeler: I have a further amendment to section 5 of the bill. I move that section 48.2 of the act, as set out in section 5 of the bill, be struck out and the following substituted:

"Screening device test, accompanying driver

"48.2(1) Where a police officer has brought a novice driver to a stop under the authority of this act, and the police officer reasonably suspects that the accompanying driver has alcohol in his or her body, the police officer may, for the purposes of determining whether the novice driver is in compliance with the regulations respecting novice drivers, demand that the accompanying driver provide forthwith a sample of breath into a provincially approved screening device.

"Direction to novice driver

"(2) Where, upon demand of a police officer made under subsection (1), an accompanying driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by a provincially approved screening device, registers 'Presence of Alcohol,' the police officer may direct the novice driver not to drive a motor vehicle on a highway except in compliance with the regulations respecting novice drivers.

"Second analysis

"(3) Where an analysis of the breath of an accompanying driver is made under subsection (2) and registers 'presence of alcohol,' the accompanying driver may require an analysis to be performed in the manner provided by subsection 48(3), in which case the result obtained on the second analysis governs and any direction given by the police officer under subsection (2) continues or terminates accordingly.

"Calibration of screening device

"(4) For the purposes of this section, the provincially approved screening device shall be calibrated to register 'presence of alcohol' if the concentration of alcohol in the blood of the person whose breath is being analysed is as prescribed by the regulations, and despite anything in this section, the reading on a provincially approved screening device for 'presence of alcohol' may be another term or symbol that conveys the same meaning.

"Same

"(5) It shall be presumed, in the absence of proof to the contrary, that any provincially approved screening device used for the purposes of subsection (2) has been calibrated as required by the regulations.

"Intent of direction

"(6) The direction under this section to a novice driver not to drive a motor vehicle on a highway is intended to ensure that novice drivers acquire experience and develop or improve safe driving skills in controlled conditions and to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time.

"Removal of vehicle

"(7) If the motor vehicle of a person who is directed not to drive under this section is at a location from

which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case, the officer shall notify the person of the location of the storage.

"Cost of removal

"(8) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the Repair and Storage Liens Act by the person who moved or stored the vehicle at the request of the officer.

"Offence

"(9) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him or her by a police officer under this section.

"Definition

"(10) In this section, 'accompanying driver' means a person with full driving privileges in Ontario who occupies the seat in a motor vehicle beside the driver."

The Acting Chair: Are there any questions or comments on the amendment?

All those in favour? Opposed? The amendment is lost.

Shall section 5 carry? Carried.

Are there any questions, comments or amendments to section 6? Shall section 6 carry? Carried.

Are there any questions, comments or amendments to section 7?

Mr Daigeler: I have an amendment to section 7 of the bill. I move that clause 57.1(1)(a) of the act, as set out in section 7 of the bill, be struck out and the following substituted:

"(a) defining novice driver."

The Acting Chair: Are there any comments or questions on the amendment?

All those in favour? Opposed? The amendment is lost.

Are there questions, comments or amendments?

Mr Daigeler: I have a further amendment to section 7 of the bill. I move that clause 57.1(1)(c) of the act, as set out in section 7 of the bill, be struck out.

The Acting Chair: Are there any questions or comments on the amendment? Does the amendment carry? In favour? Opposed? The amendment is lost.

Mr Daigeler: I have a further amendment to section 7. I move that clause 57(1.1)(o) of the act, as set out in section 7 of the bill, be struck out and the following substituted:

"(o) prescribing provincially approved screening devices and their calibration for the purposes of sections 48.1 and 48.2."

The Acting Chair: Are there any questions or comments on the amendment? Shall the amendment carry? In favour? Opposed? The amendment is lost.

Shall section 7 of the bill carry? Carried.

Mr Callahan: I have an amendment to section 7—

Hon Mr Pouliot: Section 7 has been carried.

Mr Callahan: No, it hasn't. I rose before it was carried, Minister.

The Acting Chair: Actually, Mr Callahan, section 7 was just voted on and carried.

Mr Callahan: All right. I assumed that I had risen before it was carried. I wanted to make an amendment to it.

The Acting Chair: Section 7, Mr Callahan, has been voted on and carried.

We are now at sections 8 to 10. Are there any questions, comments or amendments to sections 8 through 10?

Shall sections 8 through 10 carry? Carried.

Shall the title carry? Carried.

Shall I report the bill to the House?

Mr Callahan: Madam Chair, I've raised the issue of the question of a breach of the licensing provisions under this act and how I would go about ensuring that non-compliance—and there are many ways you can non-comply with this bill—would result in the person being non-licensed and therefore in breach of the statutory conditions in the Insurance Act, and therefore no damage would be paid by an insurance company.

I would like to know how I go about bringing that in if the minister is reluctant to do so, and if he's reluctant to do so, I suggest he's playing right into the hands of the insurance companies and giving them a ploy for whatever reason. I don't know whether you can give me advice, Madam Chair, in that regard, but I think that the taxpayers of this province are entitled to it, to know what has to be done in that regard.

The Acting Chair: Since the bill has been carried, I do wish to ask the minister if you do wish to make any further comments or responses to Mr Callahan.

Hon Mr Pouliot: Generally speaking, not particularly with respect to Mr Callahan, but also, Mr Callahan, in terms of general tone.

It's cause for celebration for the 6.5 million motorists of Ontario. It makes the system safer and yet accessible. It respects fully the right to have access to the privilege, which is one of sharing in driving the roads of Ontario. We welcome each year 250,000 new motorists joining the family, like I've already stated, of 6.5 million motorists.

2310

This is long overdue. It will save lives. It will allow people to put more time behind the wheel before they "graduate." Finally, it will put money into people's pockets by way of premiums. It makes the system safer and we're proud of it. We thank members of the opposition, members of the committee, members of all walks of life, all associations that have spoken on behalf of people who have long awaited this day of celebration.

Mr Callahan: Madam Chair, on a point of order.

The Acting Chair: I'm sorry, Mr Callahan, you're out of order. The bill has been voted on and has been carried.

Mr Callahan: How can you tell me I'm out of order?

I'm rising on a point of order.

The Acting Chair: On a point of order.

Mr Callahan: You asked the minister to respond to a quite legitimate complaint of the opposition, and he stands up with rhetoric saying it's going to save the taxpayers of this province money. That's baloney. If you don't address that issue, you're going to find—

The Acting Chair: Mr Callahan, you do not have a point of order.

Hon Marion Boyd (Attorney General and Minister Responsible for Women's Issues): Madam Chair, I move that committee rise and report.

The Acting Chair: The Attorney General has moved that the committee rise and report. All in favour? Carried.

The Acting Speaker (Mrs Margaret Marland): The committee of the whole House begs to report two bills without amendment and one bill with certain amendments and asks for leave to sit again.

Shall the report be received and adopted? Agreed.

TOBACCO CONTROL ACT, 1993

LOI DE 1993 SUR LA RÉGLEMENTATION
DE L'USAGE DU TABAC

Mr O'Connor, on behalf of Mrs Grier, moved second reading of the following bill:

Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la vente et l'usage par les autres.

Mr Larry O'Connor (Durham-York): The government is proud today to bring the Tobacco Control Act forward for second reading. We believe this is one of the most important pieces of legislation for the health of Ontarians that we have introduced to date.

We couldn't have done it without the support and the encouragement of a huge number of people and associations. I'd especially like to thank the Ontario Campaign for Action on Tobacco, the Non-Smokers' Rights Association, the Canadian Cancer Society, the Heart and Stroke Foundation, the Lung Association, the Ontario Medical Association and the Ontario College of Pharmacists, plus the hundreds of people interested in health in Ontario.

The illnesses and costs to society, families and individuals that smoking creates must be one of the gravest concerns today. We know that tobacco-related diseases and illnesses are responsible for more than 13,000 preventable premature deaths each year in Ontario. One in five deaths among adults in Ontario is attributed to tobacco use. Thirteen thousand is about the size of the population of Stouffville in my riding. That's devastating.

Smoking is a killer, and there is substantial evidence that there is a clear and present danger to anyone inhaling secondhand smoke. We can be thankful that smoking is no longer glamorous. Steady public campaigns have convinced people of the dangers, and a growing number have quit. But we still have a lot of work to do in prevention.

That's why our legislation is a strong step along the path to the elimination of smoking-caused diseases

altogether from our society. As a responsible government, we must act now. This legislation embodies our commitment to health promotion and disease prevention. Its major aim is to prevent young people from taking up this addiction. It is very hard to quit smoking. It's much easier if they never start.

With this legislation, we will make it illegal to give or sell cigarettes to anyone under the age of 19; we will ban the sale of tobacco from pharmacies and other health facilities; we will prohibit the sale of tobacco products from vending machines to complement the upcoming federal legislation; we will require health warnings and other health information as part of tobacco packaging; we will require retailers of tobacco to post health warnings and age limits on their premises; we will monitor the sale of tobacco through mandatory reports from distributors and wholesalers; we will prohibit smoking in designated places; we will provide an effective enforcement mechanism that includes fines and bans on the sale of tobacco following violation.

Over the past two years smoking among young people has actually increased. Is there any clearer indication that we do not have a moment to spare? Look at what our young smokers have to look forward to:

Tobacco causes 80% of all lung cancers and is also responsible for many other cancers including mouth, throat, oesophagus and bladder cancer; tobacco causes 82% of chronic lung diseases such as emphysema and chronic bronchitis; tobacco is responsible for one third of all the premature deaths from heart disease.

We do not want our young people to become part of these statistics, and they do not want to become part of these statistics. I want to quote from one of them. Today in the *Toronto Star*, grade 10 student Ilana David wrote that smokers line the entrance of the school, creating an uncomfortable environment for non-smokers, and:

"As an enthusiastic anti-smoker, I await the day when I can walk in and out of my school without inhaling enough smoke to blacken the lungs of three people.

"Smoking may be so common among teenagers because tobacco is a legal drug. Many of my friends smoke just because the cigarettes are there."

She goes on to say that our bill will have a strong effect. I quote Ilana again: "This is something to be proud of. We are improving, preserving and saving the health of both non-smokers and those brave enough to get with the times and break the habit."

Ilana David does not want her friends to become statistics, among those sickened or killed by smoking. It's good to hear such sentiments on smoking from a young woman. Since 1970, the number of women with lung cancer has tripled. Lung cancer is now the second-leading cause of cancer deaths among women.

Thanks to the choice of such people as Ilana, we can see that the percentage of people using tobacco has drastically declined from about 41% of all adult Ontarians in 1966 to about 28% in 1990. But sales of manufactured cigarettes per capita in Ontario still rank higher than in countries like Italy, France, Britain, Denmark and Sweden. And figures from the Addiction Research

Foundation show that between 1991 and 1993 smoking increased significantly in students in grade 7, from 6.1% to 9.4%, a 50% increase—grade 7 students. Let's be clear: These are 12-year-old children. Well before they grow up and enter their productive lives, they are taking up this deadly addiction.

We've come a long way in the past 30 years, but we need to go much further. We must go there now. This government is acting now and its purposes are clear: to keep children and teenagers from smoking and to encourage smokers to quit; to reduce secondhand or environmental smoke by banning smoking in a number of public places; to make people aware of the health dangers of smoking; and to provide effective enforcement with strict penalties.

Our legislation and its purposes complement the federal government's legislation, the Tobacco Sales to Young Persons Act, which is expected to be in force in July 1994, and I hope the Liberals keep to that commitment.

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The federal legislation increases the legal age to purchase tobacco from 16 to 18, bans the sale of cigarettes from vending machines except in licensed premises and increases the warnings on packages. Our legislation bans not only the sale of cigarettes to those under 19 but also bans giving cigarettes to these young people.

Let me point out that this is not a new step. The *Minors' Protection Act* already states, "No person shall either directly or indirectly sell or give or furnish to a child under eighteen years of age cigarettes, cigars or tobacco in any form."

Now let me say a few words about how we are complementing this legislation with other work. We're going further than just bans and restrictions and penalties. We are harnessing the power of education. Part of our tobacco strategy is a province-wide public education campaign being launched this month.

During this fiscal year we will spend \$3.15 million in a campaign to reach pre-teens, teens and their parents with these important key messages and materials. This program will complement the efforts of health professionals and voluntary agencies as they work to prevent smoking, support smoking cessation and reduce second-hand smoke.

Other elements of the tobacco strategy include community prevention and cessation programs, all supported through resource centres, educational resource materials and training and consultation.

The Program Training and Consultation Centre, launched in October, will receive \$300,000 annually to train staff of local boards of health and other community agencies and provide advice and consultative services to help them implement tobacco prevention programs. This centre is operated jointly by the Ottawa-Carleton health department and the University of Waterloo.

Another \$400,000 is going to the Ontario tobacco research unit, which is run jointly by the University of Toronto Centre for Health Promotion, the Addiction Research Foundation and other Ontario universities. The

unit's tasks are research and evaluation and assistance with model programs and pilot projects. It will provide a provincial focus on tobacco-related research and foster national and international collaboration and exchange of ideas.

These efforts and our legislation will lead us to our aims for the rest of this century. By 1995 we expect to make all schools, workplaces and public places smoke-free and eliminate tobacco sales to minors. By the year 2000, we want to cut tobacco sales in half, reduce the percentage of teenagers who smoke to 10%, reduce the percentage of adults who smoke to 15% and to eliminate smoking by pregnant women.

We have widespread support for this legislation. It follows an extensive period of consultation. Earlier this year the ministry received 240 written submissions and heard 34 presentations. These confirmed that we were on the right track by targeting the young people of Ontario.

In response to the bill, there have been two contentious issues that have stood out: the sale of tobacco in pharmacies and the issue of banning of vending machines.

Members should know that the Ontario College of Pharmacists, the professional regulatory body, came and asked the government to ban the sale of tobacco in pharmacies, and I am pleased that the Canadian Pharmaceutical Association is on record as opposing the sale of tobacco in pharmacies.

As we know, many Ontario pharmacists oppose the sale of tobacco in drugstores and many refuse to sell it. Let me quote from a doctor of pharmacology, N.C. Truong, who wrote in the Financial Post today:

"Selling of tobacco products that are proven to kill people when used as directed is not providing pharmaceutical care and is quite incompatible with the pharmacists' training.

"The idea of losing business to other retailers is very hypocritical for pharmacists, who are given the privilege to be the sole custodians of medication: Privilege also means responsibility towards their patients."

I think those are pretty strong words and of course I'm quoting from today's press clippings.

Hundreds of pharmacies have already chosen to eliminate tobacco sales from their stores and have successfully made necessary business adjustments. Pharmacies are not just another retailer. Pharmacists, like doctors and nurses, are health care professionals and are part of the health care system.

Internationally, we see this recognized. The World Health Organization reports that Canada and the United States are two of only a very few countries in which cigarettes are sold in pharmacies.

In Britain, the Council of the Pharmaceutical Society decided in 1987 that pharmacist members should not sell tobacco or tobacco products. To do otherwise is considered to be professional misconduct. The code of ethics of the council states that a pharmacist's prime concern shall be for the welfare of both patients and the public.

As for vending machines, the coming federal legislation bans machines in all but licensed premises. We go

farther, banning them everywhere. We know that unsupervised machines are an important source of tobacco for some young children. Stricter control of tobacco sales to minors through retail stores will make vending machines more attractive to children. Vending machines are not able to determine the age of the person feeding the money in, feeding the coins in to purchase cigarettes.

But, as a matter of fact, there are very few adults who purchase their cigarettes primarily from vending machines. We are targeting a tobacco outlet that is already in the decline. That's what's being targeted. Vending machine cigarette sales have decreased dramatically in the past five years. The number of machines in operation has dropped by half. We want to make sure that young people don't turn to those that are left.

I also want to point out that we won't be alone in such a prohibition. Nova Scotia plans to ban these machines. Many places in the United States, including New York City, Minneapolis and the state of Utah, have banned tobacco vending machines in public places.

We have heard the argument that our legislation will simply put the distribution of tobacco into the hands of smugglers. We are pleased that the Minister of Finance has announced new, stricter penalties under the Tobacco Tax Act that will curb the sale of contraband. Amendments to the act will give the law enforcement officers additional powers needed to deal with this serious problem.

In conclusion, I want to quote from Dr Richard Schabas, Ontario's chief medical officer of health. He said:

"Tobacco-related diseases are this province's number one public health problem. The cost in human lives, quality of life and health care dollars is colossal. The circumstances call for nothing less than a thorough and relentless action by all Ontarians."

Again a very good quote and I don't mind if any of my colleagues want to use that quote, because it comes from the chief medical officer of health.

We as a government are leading the way. We will be relentless. I am sure Ontarians will be very glad to see this bill passed into law and I know we will all, including our children, breathe easier.

The Acting Speaker (Mrs Margaret Marland): I thank the member for Durham North. Are there any questions or comments?

Mrs Karen Haslam (Perth): I'm going to take this opportunity because I'm not sure I'm going to have time to take part in a full debate, so I'd like to just put on the record how pleased I am that this legislation is able to come forward to second reading.

As Chair of one of the committees that had a number of presentations to it by a number of the organizations, I don't think anybody who sits through those types of committees and hears about the pain and suffering can think anything but how good this type of legislation is.

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You know, the World Health Organization says that this year one industry's products will be responsible for about three million deaths worldwide and within three

decades, one industry's products will cause 10 million preventable deaths each year. One industry's products will cause 500 million deaths worldwide from among those of us presently alive by the year 2050. That is one half a billion premature deaths. Two hundred million of these deaths will come from today's children and adolescents, and after all of the economic effects of this product are considered, including taxation, this industry is a net drain on the Canadian economy of billions of dollars annually.

The drug problems we are working on kill more Canadians than illicit drugs, homicides, suicides, accidents, alcohol, all traffic fatalities, including alcohol-related traffic deaths, and AIDS, all of those combined, and by a wide margin. Time and time again we've seen the newspaper articles.

I'd like to draw attention to one that was in the *Globe and Mail* on March 10 of this year. It was from someone who watched her father die slowly and who felt it was very responsible that the pharmacists be responsible in this.

Thank you very much, Madam Speaker, for allowing me this little bit of time to get on the record.

Mr Chris Stockwell (Etobicoke West): I want to comment about the fact that I had a meeting about this particular piece of legislation in my constituents' office with a group of pharmacists. There appears to be some opposition to the legislation from the pharmacies at least that I spoke to. I don't know if it's all of them, but clearly the four or five that I spoke to, with the thought that by banning the sale of cigarettes and tobacco at pharmacies, this will somehow curtail smoking.

Their position was that it's a rather silly argument because they'd simply walk next door to the smoke shop and in fact buy the cigarettes there. The other argument they made was, and I'm not certain for all pharmacies, but particularly the ones that I spoke to, that a significant portion of the moneys they make from cigarettes goes to paying their rent and their part-time staff and a good percentage of the nut to operate.

They suggested to me that they don't think, they know, if you do ban cigarette sales or tobacco sales at pharmacies, they don't expect to sell any more deodorant or shaving cream or any of the other particulars that they sell, aspirins and so on, that they will then have to directly put this on to their dispensing fees, so you'll see a marked increase in the dispensing fees at pharmacies because you've taken such a huge amount of money away from them through the sale of cigarettes.

Now look, that may not be a good argument to oppose it, if you were banning the sale of tobacco, period, case closed. But really, you're not banning it. You're simply moving where people were in fact buy tobacco. It's not going to be any more difficult to buy it. It's not any more really restrictive. You're just saying one segment of the retail population can't sell it, and really that doesn't make a lot of sense to me, particularly if you're seeing an increase in dispensing fees for the drugs that are bought over the counter by pharmacists. I see the member shaking her head, but that's seems like a pretty tough argument to debate it against.

Mr Kimble Sutherland (Oxford): I just wanted to get up and say that I come from one of the tobacco-growing areas; however, I do support this piece of legislation. I think there is overwhelming health evidence to suggest the need and of course, whatever we can do to stop young people from smoking is very beneficial.

I do want to say, though, while we're discussing this issue, that at all times all of us must keep in mind those people who rely on producing tobacco in the tobacco-growing areas, the many farmers and the many people who work on those jobs. We must continue as a government to support their efforts to ensure that they continue to have a very strong and viable economy in their area, because in that particular part of the province where tobacco is primarily grown, they have as much right as any other area to have a healthy and vital economy.

I certainly hope—I know the Minister of Agriculture and Food was here—that he'll continue to advocate to ensure that we can do whatever we can to help that area as the amount of tobacco grown may decline over the next few years. But I do want to say that I think the health evidence is very strong that we do need to be taking action. Whatever we can do to stop young people from starting smoking is a good idea.

While we are taking strong enforcement measures through the Ministry of Finance to stop the smuggling, we do know that we won't be able to deal with it all, and of course some of those, how shall I put it, people who are into illegal activities with regard to cigarettes do have access to parking lots beside high schools and all of us are going to have to figure out how we deal with that issue as well.

Mr Murray J. Elston (Bruce): It is interesting to note that we have this difficulty as legislators in trying to find a balance between those people who have conducted a legal enterprise in this province, the growing of tobacco, for many, many years—in fact if I can hearken back to some of the reading that I have done, it wasn't that long ago that people around Delhi and Tillsonburg were having problems in the 1930s with the very light soils down there blowing away from them. They discovered that tobacco would grow down there and a very difficult area for conducting economies was resurrected by the tobacco plant.

We found a very interesting substitute for some of the other traditional crops, and now I think I agree with the member from Oxford that we're going to have to assist those people in finding ways to deal with what has become, I think, a very popular crusade, and that is one where we eliminate tobacco as a drug of choice, particularly among young people.

I agree that it is a very difficult problem to deal with. I commend to the government every effort to assist people who have been growing tobacco legally, but I have to agree with the member from Oxford, and others obviously, that we to take steps to deal with a problem which is causing difficulties with the health of our young people, with the health of all of the people who are heavy smokers in this province of ours.

I agree with the efforts to pass the tobacco act. I agree with the act itself. There are some issues in the legislation

which may be necessary to deal with. For instance, why are we discriminating against just one group of sellers? Why don't we indicate, for instance, that all people who market health products would have to refrain from selling tobacco products? That is a good question to be asked, and from my point of view, there are interesting days ahead as we test the limits of our stamina to deal with this very important health issue.

Mr O'Connor: I want to thank those who have taken the time to not only listen but to comment. To the member for Perth, I want to thank her for her work. I mentioned during my statement here that there had been consultation and she was on the receiving end for an awful lot of that, so I want to thank her for her work there.

For the member from Etobicoke, the quote I read from the paper today, from the Financial Post, "Selling tobacco products that are proven to kill people when used as directed is not providing pharmaceutical care and is quite incompatible with the pharmacists' training," I think that says something. We've got to take into mind that these people are health care professionals; they're regulated health care professionals.

To the member for Oxford, he certainly raised some very good points, and to the former Minister of Health, the member for Bruce, I appreciate his comments and look forward to any amendments that he might present that might make this even a little bit tougher.

I guess I want to be clear. What we're talking about here is the 12-year-olds, the kids in grade 7 that the statistics point to, the increase of 50% of the kids in grade 7 taking up the use of tobacco. Those are the ones we're talking about. We're talking about these young people who, before they enter the productive part of their lives, are taking up a terrible, deadly addiction. This is something that I don't think any of us can take lightly.

There is going to be a good discussion, no doubt, not only from all the pharmacists who oppose the sale of tobacco, but we're going to hear from those who want to sell it. I think we're going to hear a lot of people come on side to talk about it because the College of Pharmacists asked us to do this. They came to us with a very good recommendation. We've taken that recommendation and put into the legislation.

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Mr Dalton McGuinty (Ottawa South): I want to begin by first of all thanking the parliamentary assistant for making a very important and eloquent case on behalf of the bill. I want to thank the minister for coming forward with this bill. It has been a somewhat lengthy and protracted birth, beginning I guess back in 1991 at the time the Finance minister made reference to the need for this kind of legislation when he introduced his budget.

I think I'll begin as well by acknowledging the presence of Gar Mahood in the gallery here and the important role he has played together with the Ontario Campaign for Action on Tobacco. Mr Mahood has been categorized often as an advocate on behalf of non-smokers, but I think more fairly he could quite probably be categorized as a health advocate.

I have a developed a particular personal interest in this matter as a result of doing fairly extensive research on the issue, which led ultimately to the introduction of my own private member's bill. There are two fundamental problems in eliminating tobacco. One was made reference to earlier, and that is the fact that there is an entire industry that has developed around the growing of tobacco, the production and sale, and that we have a legal product. That's the number one problem. The second is that it is an addictive substance, and it's difficult to rid ourselves of it.

My bill responded to the overwhelming support that I found existed for the proposition that our children should not smoke. I found that when I spoke with smokers and non-smokers, tobacco farmers, manufacturers, retailers, pharmacists, parents, whomever, they all agreed that our children should not smoke. My bill for that reason focused on responding positively to that proposition. Where we get into trouble and where controversy creeps into this—I'm not suggesting that we ought to be avoiding controversy because we should be afraid of it, but where concerns arise is when we stray from that proposition.

I want to speak to the issue of pharmacists because obviously they have expressed some concerns in connection with this matter. First of all, it's important to recognize and everybody agrees that banning sales from pharmacies will not in fact reduce smoking. The reason this proposition is put forward by the government is because it is seen as a contradiction for a pharmacist to be selling products which are designed to promote health at the same time as selling cigarettes or tobacco products of whatever nature.

They can support and understand that there are 2,200 pharmacies in the province, about 1,500 of which sell tobacco products, but there are also 120,000 other retailers in this province which sell cigarettes, cigars and whatever else in the line of tobacco products, so this is not going to put any kind of a dent in the tobacco retail market.

When I drafted my bill, the research I put into it led me to discover that by and large pharmacists tended to provide better supervision with respect to young people purchasing cigarettes than did the fellow working at Mac's milk. I also discovered that children by and large don't buy their cigarettes from pharmacies. I think I could make the argument to the effect that tobacco products in general are a drug, and if I were to restrict the sale of drugs to one particular retailer in this province, I'd restrict it to druggists, to pharmacies.

I think the other difficulty we're going to encounter here is the aspect of this bill which makes it discriminatory. That is, it's one thing for us to say we're going to restrict the sale of a product, for instance, liquor, to LCBO stores and will restrict the sale of beer to what we now call the Beer Store. I think that is seen as acceptable legally. I think where we're going to have a problem is to begin to say, "Everybody out there can sell tobacco products except you guys." I think that is going to present us with a significant problem. I think it will be seen as discriminatory.

If you remember that this is not going to put a dent in tobacco sales, is not going to prevent people from beginning to smoke, then the question you have to ask yourself is: Why are we getting into this kind of situation? Why are we muddying the waters, so to speak?

The argument is made that a drugstore or a pharmacy is a place where people sell health-related products. That may have been the case at one time, but I can tell you, I think of the drugstore as a place where I can get the razor blades, get the shampoo; they've got some of the best prices on Coke or Pepsi at my drugstore; we used to get diapers there for the kids; you get chips, cosmetics—and from time to time, if one of the kids picked up a bug, then we'd fill a prescription at the pharmacy. I'm not sure that it is fair any longer today to categorize pharmacists as merely being purveyors of health products.

I think that what we're going to witness at the end of the day here is that pharmacists will use some of the same creative ingenuity that retailers did when they first encountered the original Sunday shopping legislation. We're going to have them opening separate stores in order to get around this law. We're also, I think, in a very perverse kind of way going to benefit the larger chains. I think they will survive the loss in sales, but the smaller pharmacies, from the information I've gathered to date, may not survive.

It's important to recognize that pharmacies are a business. What we've been doing as a government, both our government and this government, through the reduction in the money that pharmacists can earn through their prescription fees, is that we've been implicitly telling them, "Look, folks, you're going to have to earn more money at the front end of the store now, because we're nibbling away bit by bit into the back end." Now what we're doing is telling them that we're going to cut into the front end.

The other thing that's important to understand is that cigarette sales within the pharmacy are not only beneficial in an economic sense to the pharmacist because he's making that particular sale, but it leads to spinoff sales. From what I've been able to gather, people come in and don't just buy their cigarettes but also buy other products at the same time.

Again it's important to recognize—and this is freely admitted by all, and I've had extensive conversation with Mr Mahood in this regard—that removing tobacco sales from pharmacies will not reduce the amount of smoking that takes place in this province.

We're looking at raising the Sunday shopping spectre, with all the creative ingenuity that went into that, and we're also, I think, looking at a potential constitutional quagmire. So again I ask the question: Why would we muddy the waters?

This is essentially a very good bill in so far as it goes to make it tougher for kids to start smoking. In any event, I look forward to this bill going into committee and to the impact studies, hopefully, that will be put forward by the pharmacists that will show the real impact in terms of sales and the jobs that may be at risk here.

I think the parliamentary assistant made reference to

the vending machines. He brought up a good point, that is, that in other jurisdictions where they've tackled the problem of children beginning to smoke, they have found that if you don't squeeze off supply at the vending machines, then you're really not going to tackle it in any serious kind of manner.

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In New York City and New York state they have put in place legislation similar to that put forward by our federal government, which basically provides that if you want to sell tobacco products through a vending machine, it has to be under supervision. In New York state, for instance, the machine can't be any closer than 25 feet to the entrance of a tavern or a bar.

One of the problems we get into when we tell people that they can no longer sell tobacco products through a vending machine, from what I've learned, is that there are concerns associated with that by the barkeepers. They're very reluctant to keep loose cigarettes around the place because, as you well know, they've become a hot commodity these days and there's concern about the possibility of theft.

There's also the concern that's been raised relating to people who go into bars to drink who suddenly determine that they need their smokes. They've had a few drinks, they normally go to the vending machine, but that's no longer there. You've got to wonder, what is this person going to do to get those cigarettes? Well, we hope to God they're not going to get in the car and drive to Mac's milk or someplace like this to pick up a pack, but there may be some people who don't obey the law and get into trouble as a result of that powerful urge to have a cigarette.

The other concern that was brought to me was that some of these vending machines are in places which serve as a convenience to older people who don't like to get out in the winter or who don't drive but who are within the grip of a cigarette addiction and need those cigarettes, and now what we're telling them is that they will no longer have access to them. Remember, they got hooked at a time when not only was it socially acceptable but in fact was considered fashionable, and there was no evidence put forward in that day which would lead us to believe that smoking caused cancer.

There are some 3,500 vending machines in the province. It will be interesting to learn through our committee what impact the ban, in so far as cigarette sales are concerned, will have on manufacturers, on distributors, on the people who service those machines and the people who stock them. I look forward to hearing from people in that regard.

The argument is put forward by young people that "This ain't gonna stop them." As far as they're concerned, if they want to get cigarettes they can get them somewhere. I think that argument is to be expected. I don't think it's one that, by any means, should be allowed to carry the day. It's been proven over the years, whether it's our seatbelt laws or drinking and driving laws or increasing the drinking age, for instance, as we did in the past in this province, that by and large they have a positive impact and most people will go along

with them. There will always be a certain element, whether it's youth or any other segment of the population, no matter how you try to categorize them, who will choose to disobey or disregard a particular law, but I think most young people will come along.

I think it is important to recognize why it is that we want to bump the age from 18, as it is, to 19. One of the things you learn is that kids have a certain sense of invulnerability. They feel that if they start to smoke—in fact, there are some studies that came out of the States that show that if you ask kids who are smoking in high school whether they'll be smoking in the future, 75% said, "No, we will not be smoking in the future." But when they did a follow-up study seven years later, a great majority of those kids were still smoking and having difficulty stopping. They have a certain sense of invulnerability, a sense that they're in control and that when the time comes they can stop smoking, but that does not prove to be the case.

The other thing that's important to realize with respect to this age distinction, moving from 18 to 19, is that young people are generally very susceptible to the influence of their peers. If it's seen to be as the thing to do, then they tend to pick up smoking for that reason, notwithstanding that they've had quite a bit of information today that tells them it's a bad thing to do. We've found that if you move the age group to 19, by that stage they are generally out of a high school setting, away from that influential group on a daily basis and more likely to make the right kind of decision.

The smuggling issue is one that's been put forward, and that's the one that cannot be disregarded. I look forward to hearing presenters in committee commenting on whether they feel this will help combat smuggling. We do know that about one out of three cigarettes sold in this province—that may be a bit high but that's the figure I've heard bandied about lately—are illegal cigarettes. We do know that about 50,000 illegal cartons of cigarettes a day pass through the Cornwall area. In fact, I have some specific knowledge in that regard because I've had the opportunity as the native affairs critic for my party to visit with the Mohawks at Akwesasne to gain an inside look at some of the problems this presents for the leadership there.

The bill itself, oddly enough, doesn't specify how many cigarettes will have to be found within a package in order to be legal in this province. My bill addressed that; it restricted the packages to no smaller than 20. It's been found that young kids tend to make their purchases according to how much money they've got in their pockets and they generally don't have very much, so if you make the packages more expensive it makes it tougher for them to get into it.

The other thing I've found in the legislation that's of concern is that there's a provision in here which provides

that if the inspectors who are created and given authority in this bill—it's subsection 13(14). It says, "No person shall...refuse to answer questions on matters relevant to the inspection," and that is a very serious incursion on what has been a historical right in this country, that is, the right against self-incrimination. That means essentially that if you are breaking the law, there is no obligation on your part to help the crown or to help the police prove their case; you have the right basically to keep your mouth shut. As you know, it's called the right to remain silent, and the obligation is on the crown or on the police or on the government or on the person in authority to prove that you have in some way breached the law.

I hope somebody will come forward in committee and describe that further, because it strikes me as being rather draconian and something which, in combination with the concerns I've raised relating to pharmacies and to vending machines, gives an essentially good bill a bad name.

Madam Speaker, I see it's approaching the witching hour, and I wonder if it may not be appropriate for me to move adjournment of the debate at this point in time.

The Acting Speaker: The member has moved adjournment of the debate? All in favour? Carried.

Attorney General, you have the business for next week.

BUSINESS OF THE HOUSE

Hon Marion Boyd (Attorney General): Yes, Madam Speaker. Pursuant to standing order 55, I would like to indicate the business of the House for the coming week.

On Monday, December 13, we will deal with third reading of Bill 47, photo-radar; committee of the whole consideration of Bill 117, the public service omnibus; third reading of Bill 100, the Regulated Health Professions Act amendments; third reading of Bill 121, teachers' pensions; third reading of Bill 51, Simcoe county; third reading of Bill 74, longer trucks; third reading of Bill 122, graduated licensing; and second reading of Bill 77, the Ottawa-Carleton bill.

On Tuesday, December 14, we will deal with the Progressive Conservative non-confidence motion for two hours; followed by third reading of Bill 26, the Environmental Bill of Rights; third reading of Bill 117, the public service omnibus; concurrence in supply; first, second and third readings of the supply bill; extra time for budget debate; second reading of the tobacco act, Bill 119; third reading of Bill 125, the education omnibus; second and third readings of Bill 33, An Act to amend the Representation Act, a private member's bill standing in the name of Mr Beer; and second and third readings of any remaining private bills.

Any further business will be announced.

The Acting Speaker (Mrs Margaret Marland): It being 12 of the clock, this House stands adjourned until 1:30 of the clock on Monday, December 13.

The House adjourned at 2400.

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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Monday 13 December 1993

**Journal
des débats
(Hansard)**

Lundi 13 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers



Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Monday 13 December 1993

The House met at 1333.

Prayers.

MEMBERS' STATEMENTS

ASSISTANCE TO THIRD WORLD

Mr D. James Henderson (Etobicoke-Humber): In an era when Canada is preoccupied with international trading agreements and NAFTA, we'd do well to reflect that it is to Canada's advantage when Third World nations improve their lot and strengthen their economies; so it is that projects of Third World assistance are not only acts of altruism. Naturally, they benefit the people of the receiving country directly, providing the projects are well conceived and respect the right of Third World peoples to self-determination, but by contributing to fiscal benefit and stronger economies around the globe, we build a healthier and safer international community. That in turn strengthens the world economy and benefits Canadians as present and future trading partners of developing nations.

I'm rising therefore to thank several Canadian companies for their generous contributions to Third World humanitarian aid and to applaud their generosity and foresight. The companies are Apotex Inc, Weston; Big V Pharmacies Ltd, London; Canadian Medicine Aid Programme, Toronto; Genpharm, Etobicoke; Herdt and Char-ton Inc, Montreal; Ingram and Bell, Don Mills; C.E. Jamieson and Co, Windsor; ICN Canada Ltd, Montreal; Novopharm Ltd, Scarborough; Starkman's Surgical, Toronto; J. Stevens and Son, Brampton; and a special thank you for the very generous assistance of Delta Hotels.

To all these fine Canadian companies, our sincere appreciation for your humanitarian service and generosity.

HOCKEY HALL OF FAME

Mr Ted Arnott (Wellington): Last week I had the opportunity, along with my caucus colleague the member for Oakville South, to visit a wonderful tourism and sports attraction that exists in the heart of Toronto, the Hockey Hall of Fame.

When the NHL season is in full swing, many NHL teams come to the hall for autograph sessions. I understand that after our visit Walter Gretzky, Wayne Gretzky's father, arrived for his first visit and Dave Andreychuk of the Toronto Maple Leafs came in with his family in the afternoon.

Since the Hockey Hall of Fame opened its doors in June, many hockey fans have visited this unique facility.

Interjection.

Mr Arnott: The Hockey Hall of Fame is projected to draw a minimum of 600,000 visitors, including the member for St Catharines, in its first year and inject about \$21 million into the Toronto economy.

One of the key attractions of the hall of fame is an exact duplicate of the Montreal Canadiens' dressing room. Another feature allows visitors to participate in simulated game situations that challenge guests to match their knowledge and playing skills against a computer-based collection of hockey knowledge. Hockey fans will

also appreciate the Bell Great Hall, which is home to the Stanley Cup as well as other NHL trophies.

My congratulations to the employees of this great facility, with special thanks to Christine Simpson and Scott North, who made our visit to the hall a truly memorable event. The corporate sponsors are also to be commended for their assistance in making the hockey museum a reality.

It's well worth a visit, and I would encourage the public to make the trip to this remarkable attraction.

Mr Speaker, as I have seven seconds left, I want to wish you and your family a very Merry Christmas, as well as all members of this Legislature, as well as the staff in this fine building.

EVENTS AT TRENT UNIVERSITY

Ms Jenny Carter (Peterborough): On Thursday, December 8, I was with the Honourable Howard Hampton, Minister of Natural Resources, at Otonabee College, Trent University, for two major events.

One was the unveiling of a model of the new MNR building, the construction of which in downtown Peterborough will start next spring. The other was the official opening of the Natural Heritage Information Centre, located in McKenzie House on the campus of Trent University, by Mr Hampton and representatives of the other partners in the venture, Nature Conservancy Canada, Natural Heritage League and the National Conservancy.

The information centre will be a central repository for all available information on endangered species and areas. This centre links Ontario to an information network that includes 68 jurisdictions throughout the western hemisphere.

Both these events enhance Peterborough's developing role as a centre for environmental activities of all kinds. I welcome these developments, for which Peterborough is uniquely suited and which bode well for the future of our city and area.

I would also like to take this opportunity to warmly welcome Dr Leonard Connell as incoming president of Trent University. He takes over formally on January 1, 1994, but was on hand to welcome us on December 8, since acting president David Morrison could not be there. I wish him every success.

CHILD CARE AND HEALTH SERVICES

Mrs Yvonne O'Neill (Ottawa-Rideau): I rise today to bring to the attention of the Legislature one more example of the NDP government's continuing attack on the private sector in this province.

A woman in Oshawa recently wrote a column in the Oshawa Times outlining her experience in trying to support herself in Bob Rae's Ontario. First she says: "Mr Rae and his government have put me and countless others out of a day care job with his universal non-profit day care scheme. With private centres closing down, and not being replaced, there are no jobs for us." But she goes on to say, "I finally found a new job as a home support

worker with a health care agency, and much to my surprise, Mr Rae...is trying to close all privately owned health care agencies."

This woman and thousands like her are only trying to survive in difficult times. The NDP government claims to be concerned about job creation, yet its child care and long-term care policies continue to attack private sector jobs. These private sector jobs employ mostly women.

1340

MARY'S PLACE RESIDENCE

Mrs Elizabeth Witmer (Waterloo North): I would like to know why this government has turned its back on the vulnerable women in my community. Why are they ignoring the female victims of violence?

Mary's Place houses women in my community who are fleeing abusive relationships or who have suffered long-term physical or sexual abuse in their past. This shelter, Mary's Place, is facing a \$100,000 deficit this year. Despite the importance of Mary's Place as a haven for women who are victims of sexual abuse or violence, it has recently been informed by the Ministry of Community and Social Services that its funding for a family violence counsellor will not be renewed this year.

Mary's Place is an integral part of the support network for women in my community who are in desperate need of assistance, and the possibility that it will be forced to close or cut back on service is completely unacceptable. Without the services provided by this shelter, many women who are escaping from abusive situations will be left without the support they desperately need.

I urge the Minister of Community and Social Services in the strongest possible terms to take immediate action to ensure that funds are made available to help the victims of violence who are housed at Mary's Place. It is imperative that this vital community support agency be given the financial assistance it needs so that it can continue to help the women in Kitchener-Waterloo.

KIDNEY FOUNDATION FUND-RAISING

Mr Robert Frankford (Scarborough East): The Kidney Foundation of Canada is an organization that many members will be familiar with. Kidney diseases are common, and while considerable progress is being made, there remains much that can be done in the way of research, education and advocacy.

I'd like to take the opportunity to make members of the Legislature and the public aware of an innovative fund-raising project of the kidney foundation that will benefit health, the environment and the economy.

The foundation will be accepting old cars and give a tax receipt in return. The cars will be resold or scrapped and the funds used towards helping with its programs.

As you are aware, cars are among the major causes of environmental damage, of death and disability. The primary cause of death in children between five and 14 is street traffic. Over 10 years, a car produces 36 kilograms of hydrocarbons and 1.076 million cubic metres of polluted air plus soil and groundwater pollution. It would be surprising if this was not a factor in kidney disease.

The \$7,000-plus a year that it costs to operate an average car is in addition to the \$4,500 net after taxes

that cars cost to government and society. The potential for saving that could be redirected to health, education and job creation is substantial.

The traffic calming and car reduction that will be required as we move towards rational and economical transportation will be helped by the kidney foundation's initiative. I know there are viewers at home who would like to get involved and I would encourage them to call the kidney foundation, toll-free, at 1-800-565-5111.

NEW WCB HEADQUARTERS

Mr Gerry Phillips (Scarborough-Agincourt): I want to make a statement, particularly to the Premier. This morning, Premier, if I understand accurately what you said on radio, I think you are incorrect and I think you need to correct the record. You said on the radio, I understand, that the new WCB building was contracted for by the previous government. That is factually incorrect. I think it's time that the Premier came forward and was straight with the people of Ontario.

You can see by the Workers' Compensation Board's own minutes, Premier—as he shakes his head no, playing very loose with the facts, trying to get himself out from under a major political problem—it is clear that it was in the fall of 1990, after the provincial election, that Workers' Compensation put in the paper advertisements looking for proposals for a Workers' Compensation Board building. After the election, an ad: It was in December, well after the election, that the board was still looking at quite a number of proposals, and it was in February 1991 that the board entered the agreement.

And so, Premier, this morning as you spoke on radio you were awfully loose with the facts, and I think it's incumbent upon you to be straight with the people of Ontario. Factually, you are incorrect. The decision was made when you were Premier, and I think it's important that you come clean with the facts.

As someone once said, "If you keep telling lies about us, we'll tell the truth about you."

LANDFILL

Mr Allan K. McLean (Simcoe East): My statement concerns the bizarre environmental assessment hearings into a proposal to establish a landfill site in the township of Tiny.

This controversial landfill site proposal for site 41, 150 acres of prime agricultural land in Tiny township, was originally rejected in 1989, but the then Liberal government decided to reconvene environmental assessment hearings.

After seven months of expensive, time-consuming, on-again, off-again talks before the Environmental Assessment Board, Chairman Robert Eisen has now unilaterally decided he wants to move the hearings from Midland to Toronto during the winter months.

This is an unacceptable and unprecedented move, because the environmental assessment process is designed to be held in the area where those directly affected actually live.

Having said that, I would suggest the chairman would be providing a more valid service to ratepayers by cancelling the hearings altogether. I would submit that we

do not require any new landfill sites in Simcoe county. I believe landfill sites have gone the way of the dinosaur.

It is incumbent upon all levels of government, industry and interest groups to put aside their partisan feelings and join in the search for new and environmentally sustainable methods for handling waste management, such as rail haul or waste to energy.

Bill 51, county restructuring, can direct Simcoe county waste to any one of its 17 sites, and we don't need any more new ones.

CHRISTMAS PANORAMA

Mr Norm Jamison (Norfolk): Today I'd like to bring to the attention of this House an event that happens yearly in the town of Simcoe in my riding. It's called the Christmas Panorama, or some call it the Simcoe lights. This event takes place in Wellington Park in the centre of the town of Simcoe and depicts festive themes throughout the park. The park runs right through the centre of town and is very picturesque indeed.

At this time I'd like to congratulate the people who work on this theme every year and the committee that puts this all together. The committee is structured from the business community, the labour community, and this committee and the community itself really take pride in the town of Simcoe.

This event has gone on now for some 36 years and it improves every year. This event, which I invite everyone viewing and everyone in this House to experience, is an event that really promotes the festive season. Over 150,000 people each year visit Simcoe to see this display of lights in the Wellington Park, and I can tell you they come from great distances to do so. I would like to invite everyone to experience this wonderful display of the festive season in Simcoe, Ontario.

OPP INVESTIGATIONS

Mr James J. Bradley (St Catharines): On a point of order, Mr Speaker: My point of order—you may see if it's a point of order or a point of privilege; you're more expert than I in this—is that I would like to know, when the Ontario Provincial Police come in to interrogate a member of the press gallery or a member of this House, whether they have to get permission from you or the Sergeant at Arms or someone to come into the building to conduct an interrogation of a member of the Legislature.

As you will be aware, Mr Jim Coyle of the Ottawa Citizen and Mr Richard Brennan of the Windsor Star were both interrogated by the OPP, as the Minister of Consumer and Commercial Relations admitted on Thursday, at the behest of her ministry, and I'm wondering whether they had your permission to come in and interrogate those people.

The Speaker (Hon David Warner): The member does raise a point of order. I'm very pleased to review the procedure, as I had announced to the House some time ago.

It's a very straightforward procedure that if any police force wishes to enter the premises to talk to any of the staff, the members or indeed the press gallery, then they are to check with the Speaker's office first.

Secondly, the individual involved must agree to either

have the visit occur in his or her office or make alternative arrangements.

Once those two conditions have been satisfied, then of course the police are free to continue with their interview with either the member, the staff or the press gallery.

It's a very straightforward procedure. We informed all the police forces in Canada, and to date, of course, we've enjoyed compliance with our request.

Mr Sean G. Conway (Renfrew North): On that point, Mr Speaker: I don't want to belabour it, but I am concerned about this development, because we had this debate some months ago as it affected members of the assembly.

Yesterday, in the Ottawa Citizen, Mr Coyle wrote about his experience in this last round, and there does appear to be a continuing problem. I recognize that from time to time certain actions might have to be considered, but in the last few years around this place there have been more visitations from the provincial police to members of the Legislature, their staff and now members of the press gallery than I can ever remember in many, many years beforehand.

1350

I saw the Premier the other day. He was obviously exercised when the member for St Catharines raised the point. Then I heard the Minister of Consumer and Commercial Relations I think tell the member from Brockville that in fact there had been a direction from that department to the OPP.

I say to you, Mr Speaker, and through you to the leader of the government, who has a considerable reputation as a civil libertarian, that there continues to be a problem; I think it's more than a perception. But I say, as one member of this Legislature now of some 18 years' duration, that this ongoing tendency from this government to order the OPP into members' offices to investigate members, their staff or now the parliamentary or legislative press gallery is a very worrisome and dangerous trend that ought to be stopped, and the leader of the government has a responsibility in that regard.

The Speaker: The member will know that he does not have a point of order. What I have indicated to the members is that if it is not convenient for a member to meet with a police officer at the member's office, then indeed other arrangements can and should be made.

VISITOR

The Speaker (Hon David Warner): Before proceeding, I would invite all members to join with me in welcoming to our gallery, seated in the members' gallery west, Mr Allan Warnke, who is an MLA from the province of British Columbia. Welcome to our chamber.

DECORUM IN CHAMBER

Mr Gordon Mills (Durham East): On a point of order, Mr Speaker: I'm quite concerned that during all the time we're talking on other points of order, the member for Etobicoke West is raising a red sign, "Call the police." Is that acceptable, Mr Speaker? Can you have him put that sign away or destroy it? It's very unparliamentary.

Mr Steven W. Mahoney (Mississauga West): What

don't you like, the sign or the colour?

The Speaker (Hon David Warner): I realize it glows in the dark. If the member would please take his seat. Members will know that in order to try and maintain decorum in the House, we discourage members from having signs of any description, and would ask members to please abide by that.

Mr Chris Stockwell (Etobicoke West): On a point of order, Mr Speaker: If this sign was offensive to the member for Durham, specifically this sign, I will certainly put it away and not hold this sign up for the rest of this session.

The Speaker: The member well knows that what was raised is a legitimate point of order.

OPP INVESTIGATIONS

Mrs Barbara Sullivan (Halton Centre): With respect to the point of order which was raised by the member for St Catharines and on that point, I want to remind you once again—you have indicated that an interview may well be set up in another location. I suggest to you that if that location happens to be the member's constituency office, the rules are significantly different than they are if they are in the House.

You know I have on other occasions raised this matter as a breach of privilege of the member, in that the police are not required to request your permission or to advise you that they are conducting an investigation in a constituency office, which is in fact an extension of the member's office in this place.

The Speaker: The member for Halton Centre will recall quite clearly that the Speaker has jurisdiction over the precinct. The precinct does not include constituency offices. Whether or not that change should be made in the Legislative Assembly Act is up to the House to determine but, very clearly, the Speaker has no jurisdiction beyond the immediate precinct, which includes this building and the grounds and the first three floors of the Whitney Block.

ORAL QUESTIONS

NEW WCB HEADQUARTERS

Mr Steven W. Mahoney (Mississauga West): My question is to the Premier. Over the weekend, it was reported that the Workers' Compensation Board building will cost an extra \$40 million to finish the interiors, bringing the total cost of the building from \$180 million up to \$220 million. This is not, I stress, not a \$40-million cost overrun. To quote officials at WCB, this was because you built a New York-style building instead of a Toronto-style building. New York, sir, is just built as a shell. This is \$40 million that the WCB knew about, that Brian King, the vice-chair, knew about, that your chairman, Odoardo Di Santo, knew about and that your minister must have known about.

My question is, when did you know the true cost of the WCB building? Did you know about it before this weekend? If so, why didn't you or your minister or the chair of Workers' Compensation tell the taxpayers the real cost of this building? Why did you withhold the truth?

Hon Bob Rae (Premier): I'll refer all questions about

the building to the Minister of Labour.

Interjection.

The Speaker (Hon David Warner): I caution the member for York Centre, that language is not parliamentary. It is not appropriate to setting up an appropriate atmosphere in which to conduct an orderly question period. I ask for the member's cooperation.

Hon Bob Mackenzie (Minister of Labour): There's been no false information given whatsoever. Most of what has been discussed in the paper recently was also before the committee and in the auditor's report. I might point out to the member across the way that we have said the cost is \$175 million to \$180 million, and that is the cost currently of the building to the WCB.

Mr Mahoney: I have the auditor's report here. I would challenge the minister to show me where the additional \$40 million in cost appears in the auditor's report. I would challenge him to show me where it appears in the report of the presentation by the Workers' Compensation Board to the public accounts committee, which I have here as well.

Minister, in the Hansard from the meeting of the standing committee on public accounts of January 11, 1993, Mr King is being questioned about the cost of this new building. In Hansard, sir, Mr King complained that opposition members are wrongly citing the cost as \$200 million. He said, "I've already indicated that \$200 million was the high estimate at the time, and it has come in significantly lower than that.... Around \$180 million, less than \$180 million."

Minister, why did Brian King tell the committee that the building would cost \$180 million instead of \$220 million, why was the \$40 million withheld and not mentioned in response to questions by committee members about the cost of this building, and what does this say about the integrity of your vice-chairman of Workers' Compensation Board?

Hon Mr Mackenzie: The cost of \$220 million to build Simcoe Place is not the WCB's cost alone. The WCB is a 75% owner of Simcoe Place. The board will pay about \$140 million for hard construction costs and about \$40 million for internal design costs which are necessary as a result of some of the problems we've seen for a long time up on Bloor Street.

This means that Simcoe Place will cost the board about \$180 million, what the WCB has been saying all along. The WCB costs to build Simcoe Place have been a matter of public record ever since the Provincial Auditor released his report on Simcoe Place in June of this year.

Mr Mahoney: Somebody is giving misinformation. We're not going to use unparliamentary language in here but contrary to what the minister has just said, board vice-chairperson—I'm sorry, this is from Derek Ferguson in the Queen's Park bureau, right in the newspaper—I'll just quote it. Maybe he's not giving us the right information.

It says: "Board vice-chairperson Brian King confirmed yesterday in an interview that the \$177-million tab covers only the shell of the building." There was no mention of an additional \$40 million. Is the board going to operate

in a shell? Is the board going to move in without finishings? What kind of coverup is going on here?

1400

It appears, with the smugness of the Premier, that the misinformation that's being thrown around has even reached his office. This morning on a radio talk show, when under attack about the \$40-million coverup, the Premier said, "The WCB building was contracted for, planned and well-known-about to the Peterson government." He then goes on to say, "Basically, it was another one of the things we inherited from the Peterson government."

Minister, a chronology provided to us by the Workers' Compensation Board staff and the public auditor presents quite a different story. In July 1990, the board of directors authorized the WCB administration to investigate alternative sites. In the fall of 1990, when you were the government, the board authorized negotiations with proponents to begin. Minister, you could have stopped the project then without penalty, but you didn't. Negotiations and tenders continued until April 1992, fully one and one half years into your mandate, when the WCB authorized documentation to finalize the Simcoe Place deal.

Minister, you or the Premier could have stopped the deal at that time, but you didn't. Are you so deep in trouble with this project that your only response and the Premier's only response is to provide misinformation on a public radio show and to palm off your problems on the previous government? When, sir, are you going to take responsibility for all the screwups at the WCB? When is there going to be an inquiry to get to the bottom of this? Finally, will you at least correct the misinformation given by the Premier on Toronto's radio station CFRB this morning about the chronology of this building's approval?

Hon Mr Mackenzie: I want to tell the member that on pages 3 and 4 of the auditor's report the Provincial Auditor noted that while the hard construction cost of the building would be about \$178 million for all three owners—WCB at 75%, 12.5% each for Cadillac Fairview and Toronto-Dominion Bank—the leasehold improvements designed to accommodate the WCB would cost an additional \$35 million to \$45 million. That's actually slightly less than \$140 million as the board's cost, plus the additional cost for the design and some other costs in terms of the building. The WCB pays only 75% of the \$178 million for the hard construction costs.

Mr Mahoney: Correct what the Premier said.

Hon Mr Mackenzie: I can tell the member across the way as well that the very first briefing I had as minister in this ministry was with the previous chair of the WCB, who pointed out the approach they'd taken, and at that time we asked him to go the Royal LePage route to see what else was available. Their report clearly showed there was nothing else available that met the needs of the board in Toronto at the time.

Mr Mahoney: Will the Premier tell the truth or not?

The Speaker: The member for Mississauga West, it is not appropriate for you to use unparliamentary language.

Mr Mahoney: Are you going to tell the truth?

The Speaker: The member should withdraw the unparliamentary language. It is not appropriate—the member knows that—and it is not conducive to an orderly question period either. I would ask the member to simply withdraw the unparliamentary remarks which he made.

Mr Mahoney: Mr Speaker, since there is a long day ahead of us, I will withdraw the remarks.

The Speaker: I thank the honourable member.

LANDFILL

Mr Steven Offer (Mississauga North): I have a question to the Minister of Municipal Affairs, the minister in charge of the garbage dump fiasco in the greater Toronto area. Minister, in Saturday's *Globe and Mail* we learned that the mayor of Whitchurch-Stouffville is absolutely outraged by the Interim Waste Authority's secret negotiations with WMI, a waste management company, to add its property to the list of sites.

Minister, as you know, this site was ruled out over one year ago, because it was not at that time environmentally suitable. We know that these secret negotiations are really a carry-on of continuous secret negotiations that are held by the IWA and we know of the issue of Superior-Crawford and the ongoing negotiations that are taking place with Superior-Crawford and the IWA.

I now have further documentation that these two incidents of secret negotiations are not isolated. I have a series of letters between the Interim Waste Authority and the law firm of Goodman and Carr which represents a company called BTF. According to the documents provided to me, the IWA is secretly negotiating with BTF Holdings Inc, a company that owns a 746-acre lot in the township of Brock. Coincidentally, the BTF site was considered in the first IWA stage but was ruled unacceptable.

I am sure that the public, the residents of Durham and Jim Wiseman would like to know what is going on. What can you tell us about these new secret negotiations? Can you tell the House and the people of the province what other sites are being secretly negotiated in the areas of York, Durham and Peel between the IWA and others in the area of this debacle, this chaos in terms of the megadumps that Bill 143 has prescribed?

Hon Ed Philip (Minister of Municipal Affairs): There are no secret negotiations, but the Minister of Environment and Energy will be here, and if the member would like to stand down the question, he will be happy to answer the question. If the member would like me to answer the question, I'd be happy to proceed.

The Speaker (Hon David Warner): That's rather an unusual way to handle things, but the offer was made to the member.

Mr Offer: Before I go on to a supplementary, the minister has indicated that he would like to answer the question about the secret negotiations being handled between the IWA and now BTF, and I would like the minister to answer.

The Speaker: Just to be clear, the minister did respond that if you wanted to stand down the question,

the Minister of Environment would be here, or he would be pleased to reply. The minister may provide a response.

Hon Mr Philip: The IWA's site search has always been the open and participatory process based on the principles of the Environmental Assessment Act. At any time, any company or indeed any land owner can come forward with a set of proposals. On November 1, the IWA received correspondence from Waste Management of Canada suggesting that it has data and information that demonstrates the potential suitability of lands the IWA had ruled out earlier for site selection. It's quite appropriate for the IWA at any time to accept new information. There are no secret negotiations going on. The IWA is quite prepared to accept any additional information from anyone at any time.

Mr Offer: By way of supplementary, the minister says that these discussions are always held in the open for the public to see. The public does not know about the discussions that were going on between the IWA and Superior-Crawford. They are not aware of the discussions that are going on between the IWA and WMI. My question had nothing to do with those first two areas but rather with the new discussions which are going on with the company that owns almost 800 acres in Durham.

Mr Minister, in October 1992, I have a letter from the member for Fort York.

Mr James J. Bradley (St Catharines): Who's that?

Mr Offer: Mr Marchese. He wrote to the Minister of Natural Resources, who is now the Environment minister, on behalf of BTF urging him to re-examine the decision that knocked the BTF site off the potential site list. One year later, after meeting BTF, that company, the Interim Waste Authority decided that if the company conducted its own tests, the waste authority would consider placing this site back on the list.

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Minister, throughout the whole process the public was never informed about this decision of the Interim Waste Authority. This is not an open process. This is not what you told the people of the province. Will you guarantee today that the IWA, the Interim Waste Authority, is not conducting any other secret negotiations, and if it is, will you immediately direct the Interim Waste Authority to cancel all negotiations dealing with landfill that the public is not aware of?

Hon Mr Philip: The member seems to be of the opinion that if he repeats something that is simply not correct over and over again, somehow it becomes correct. There are no secret meetings going on. The IWA, I understand, has not had a meeting with the company in question. The IWA at all times has said it will be prepared to accept any new information. It rejected the original proposals because of a variety of technical and environmental reasons, but at the same time, it has to remain open to any process in which a company that has been rejected may bring forward new information. That is a completely open process. That's a lot different than the process that you had when you wanted to dump Metro's garbage in Durham without any proper, thorough environmental assessment process.

Mr Gregory S. Sorbara (York Centre): One wonders whether the NDP member for Fort York is registered as a lobbyist in the province of Ontario.

My final supplementary to the minister, who is responsible for Bill 143, is as follows: He will recall that when this bill was passed it was designed to find an environmentally suitable dump site where the municipality of Metropolitan Toronto could dump its garbage in York region. One is not surprised that secretly the IWA is still looking for an environmentally suitable site, notwithstanding the terror that is now afoot right throughout the Vaughan area and the area around the site that is the so-called preferred site.

After much work, the community group Vaughan CARES finally got hold of the IWA's work plan for the so-called preferred site. Remember, Minister, that the whole \$50-million process was designed to find an environmentally suitable site. This is what the work plan says. It reads as follows, "The preferred site does not show appreciable natural protection either through an extensive low-permeability attenuation layer, nor through potential for hydraulic containment."

Do you know what that means?

The Speaker: Could the member place a question, please.

Mr Sorbara: It means that the site is not a suitable site to dump garbage, and yet you are continuing with the charade that suggests—

The Speaker: Does the member have a question?

Mr Sorbara: —that garbage can be dumped there.

My question to the minister is simple. Will the minister now not realize that the flaw in this work is the mandate of Bill 143, which insists that the only suitable place for a site is in York region? Will the minister now agree that we can solve this problem by expanding the mandate of the IWA and allowing it to look at all acceptable sites in the province of Ontario and investigate all available technologies? Will the minister not now solve this problem—

The Speaker: Would the member complete his question, please.

Mr Sorbara: —by expanding the IWA's mandate in that way?

Hon Mr Philip: The process is completely open and unlike the political process—

Mr Sorbara: The site is no good.

The Speaker: Order.

Hon Mr Philip: The member feels that by yelling me down, he can stop the truth from being understood by the public, but I refuse to let that happen. I can tell you that the process is completely open. It is not my role or the role of the Minister of Environment to second-guess the Environmental Assessment Board or the Ontario Municipal Board because we believe that the process has to take place—

Interjections.

The Speaker: Order, the member for York Centre.

Mr Sorbara: You are a joke. Don't you understand

that? He's a joke. The document says the site is unsuitable for garbage and they've wasted \$50 million trying to pretend that it is.

Hon Mr Philip: We, unlike the previous government, are not prepared to open up a process that would put many dumps all over Ontario, that would possibly put a dump in Timmins and all of the northern Ontario communities that have open pits. We believe that municipalities and areas should solve the garbage problem locally and that's what in fact the process is doing.

Mr Sorbara: Well, keep it in Metro then.

The Speaker: The member for York Centre, come to order.

GOVERNMENT'S RECORD

Mr Gary Carr (Oakville South): My question is to the Premier. Premier, when you get up in the morning and read the paper, there must be days when you want to roll over and climb back in bed. Let's take a look at some of the things that have happened.

The Windsor casino bid: The winner has been found in contravention of several gaming laws.

At a time when the auditor said this ministry is wasting money, \$5,000 dollars was spent on a lavish Ministry of Correctional Services party.

An accused cop-killer was released by the Ontario parole board despite warnings from a parole officer.

Even a broken clock is right twice a day. This government doesn't seem to be able to get anything right.

My question to you, Mr Premier, is, how do you think the people of this can province have confidence in you and your government when you can't even get the little things right?

Hon Bob Rae (Premier): I appreciate the member's concern for how I feel when I wake up in the morning. I want to assure him that I continue to feel distressingly well, I'm sure, from his perspective.

I must confess that when I get a lecture from a member of the Tory party with respect to the subject of the financial management of the province, or indeed almost virtually any political issue, I reflect on the fact that it was the honourable member who was on a platform with Mr Mulroney; he was on a platform with Kim Campbell; he was around parading and happy and proud to say how he was there. This was the party that was lecturing us for three years, for 36 long months, with respect to what was happening and then comes back, and instead of having a \$33-billion deficit, we find the deficit's at \$46 billion.

Those are the realities we face every day with respect to the Tory party, and that's why I've been saying for some time that when I compare myself to the alternative, I am positively consoled with respect to the situation facing the people of the province.

Mr Carr: This from a Premier who has done more to destroy this province economically, politically and socially than any other Premier in the history of this province. That's your legacy, Mr Premier. That's the legacy you're leaving this government.

In an attempt to be constructive, and since this government seems to have lost its way, what we suggest you do

is come in with a throne speech in the next spring session. Come in with a throne speech that will give the people of this province some confidence.

He said before the introduction to this session that he was going to make jobs a priority. When you came into government, the unemployment rate was 6%. It's almost doubled. You've killed more jobs than any other Premier in the province and any other Premier in this country.

My question to you is this: Will you come back in the spring session with a new throne speech to set this province on a course, and will you today commit to coming in with a throne speech in the next session?

Hon Mr Rae: The member asks whether we will come back in the new session, whether we'll be back in April or in March. I can assure the honourable member we will all be back in March, we will all be back in April and we will be working on behalf of the people of the province.

He will not reflect this, but I have enough time for the honourable member to say that the next time he calls and asks for my intervention with respect to the jobs in his riding and when we win a battle against moving Lear Siegler Seating to Buffalo—we now know it's coming into his constituency—and he's there on the phone asking for my intervention and he's there asking me to phone and he's there asking me to make those interventions on behalf of him and his constituents, I can say I'll be there. I don't know where the honourable member will be. I'll be there.

I'll be there fighting for jobs. I'll be there fighting for employment. I'll be there, and I can assure the honourable member I know where he'll be. He'll be there asking this same incompetent, terrible, disreputable Premier to help him day in and day out, and that's exactly what I'll be doing: helping the honourable member.

Mr Carr: I say to this Premier, I will not be calling you for any help. I won't be calling you for any help. You've done more to destroy jobs in this province than any other Premier.

Interjections.

The Speaker (Hon David Warner): Order.

Mr Carr: The day I have to call on this Premier—

Interjections.

The Speaker: Order. Final supplementary.

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Mr Carr: All I'm asking the Premier to do is to listen to us on our recommendations on WCB, education, health care, all the things we've been telling you for the last three years, if you would act on some of those recommendations. That's all we ask you, Mr Premier. We don't need your help with these other things. Just act on some of our recommendations.

Let's take a look. Our province's credit rating is going down. The deficit is going up. If you won't bring back a throne speech to set out a direction, with our deficit rising almost daily, will you at least commit today, through your Minister of Finance, to bringing in a mini-budget in the new year so the people of this province can have some confidence in the financial ability of this

province? If you won't bring in a throne speech, will you bring in a mini-budget? Will you commit today to doing that, Mr Premier?

Hon Mr Rae: The Tory party can't have it every way. This is the caucus, this is the government, this is the Minister of Finance that has taken on the toughest issues, that has brought the deficit firmly under control in this province, and we did it in a year. We did it despite the discrimination that your party has inflicted on this province, despite the \$7 billion in cutbacks in the Canada assistance plan and in welfare that your party and your government have inflicted on this province, the Tory party nationally, and despite the fact that in the very year, this very fiscal year that the member of the Progressive Conservative Party is standing on his feet and saying this and that and this and that, the party he was out campaigning for in the last election, pretending to the people of Canada it was \$33 billion, in fact is coming in with a \$46-billion deficit. That's \$13 billion that the people of this province ought to be wrapping around your necks and telling you what—

The Speaker: Could the Premier conclude his reply, please.

Hon Mr Rae: —they think of your sense of financial and fiscal responsibility. You people are a financial joke.

PAROLE SYSTEM

Mr Robert W. Runciman (Leeds-Grenville): I have a question for the Solicitor General. It's 67 days now since Sudbury police constable Joe MacDonald was executed. There have been no answers forthcoming in respect to the decision of the Ontario parole board to grant an early release to Mr Clinton Suzack. The minister indicated he was going to have a study undertaken and the answers would be provided to the public, but of course the minister, since the completion of that internal study, has refused to release the details surrounding the decision: a smokescreen to protect his ministry and his political appointee, in my view.

Some more information came to light this weekend in respect to the decision by the board, an indication that the board had a letter from the parole officer indicating that there were no favourable recommendations to be made in respect to the early release for Mr Suzack. We've also been advised that the board had a letter from Mr Suzack's girlfriend expressing her concern about the early release of Suzack, indicating that she was afraid for her life and that indeed Suzack would kill someone if he was out on the streets.

Given what we know, what the parole board knew at the time Mr Suzack was released, can you indicate to the House today whether you believe the parole board made the correct decision in granting Mr Suzack an early release?

Hon David Christopherson (Solicitor General): As the honourable member knows, immediately after the circumstances of this matter came to my attention, I initiated a thorough investigation of this matter and made commitments that the report that was delivered would indeed be made public, subject to certain provisions of the freedom of information act and other considerations.

At the time of receiving that thorough report, I sent it to the Attorney General's ministry for advice on how much of the report could be made public, bearing in mind certain matters before the courts. The advice that I received very clearly and very directly was that no part of this report should indeed be released until such time as matters that are now before the courts have been completed.

I have received no other information from the Attorney General's ministry advising me otherwise.

Mr Runciman: The fact that the parole board decision and the circumstances surrounding it has anything to do in terms of ensuring Mr Suzack a fair trial is in my view an absolute fabrication; nothing less. The minister has been protected by an appointee of his government, Mr Michael Code in the Attorney General's office, who was put in place to protect the government, in my view, in matters such as this, because this has nothing whatsoever to do with Mr Suzack receiving a fair trial.

I want to go over some of the things that we know. The Sault police sent a letter saying that Suzack was a menace to society. There was an outstanding warrant from the province of Alberta. Mr Suzack had a criminal record which involved something like 30 convictions involving violence. We've also indicated the matters that were released this weekend in the press. The chair of the board, Mr Don Wadel, went on record defending the decision of the board, saying there was nothing unusual and that Mr Suzack's record was not serious.

My question: Does the minister still think that Mr Wadel should be chair, and if he does, how can he possibly defend that, based on what he knows today?

Hon Mr Christopherson: First, let me say that I think it's extremely unfortunate that the honourable member would choose to use this place to potentially besmirch the reputation of a senior official of the Ministry of the Attorney General. However, he has certain rights and privileges in this place and it's his choice to exercise them or not.

My answer to the question is what it has always been and what it must be. Regardless of the lack of weight that the honourable member wants to place on the advice I've received from the Ministry of the Attorney General, to do anything other than what I have done to date and to take the position that I have taken to date would be absolutely irresponsible. I do believe the honourable member would be the very first on his feet to say so, should something happen to any given court case that I or any other minister happened to comment on during the course of question period.

Let me end by saying that I had indicated that any action that needed to be or should be taken as a result of the findings of the report would indeed happen, and that is the case.

Mr Runciman: It's absolute nonsense and very offensive when the minister gets up and tries to suggest things like he's suggesting here today. I don't mind supposedly besmirching the reputation of the minister or his appointee in government, Michael Code, because the minister has not stood in his place and indicated to the

public of Ontario, let alone Joe MacDonald's wife and family and the people of Sudbury, exactly why Mr Suzack was released and why the circumstances surrounding that release can't be made public, and how that might in any way, shape or form impact on Suzack getting a fair trial. It simply doesn't wash, Minister.

What you're doing is hiding the incompetence of your board and your own appointees. If you're prepared to participate in that coverup, Minister, I say to you today, get up, make the facts known, make them public and demand Mr Wadel's resignation immediately. If you're not prepared to do that, you are indeed participating in the coverup and you should resign.

Hon Mr Christopherson: With all due respect to the individuals who may be involved in any way, shape or form with this matter, let me just say that in answer to the member's last supplementary, I still have not heard anything at all that would suggest to me I should do anything other than take the very clear advice that I have been given by the Attorney General's ministry with regard to this matter.

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OPP INVESTIGATIONS

Mr James J. Bradley (St Catharines): I have a question of the Premier. On Thursday, I asked the Premier about the continued use of the OPP, as the Ontario political police, to investigate members of the opposition and members of the news media as related to the release of government documents that are embarrassing to his government.

When I asked the question, the Premier denied that his government had anything to do with the latest investigation, which was an investigation of Jim Coyle of the Ottawa Citizen and Richard Brennan of the Windsor Star. He denied that the government had anything to do with this. Would the Premier inform the House how it is that his government had nothing to do with it when his minister admitted in the next question that in fact it had been initiated by his government?

Hon Bob Rae (Premier): I just say to the honourable member that the question he asked me on Thursday was with respect to a particular investigation, and I said I frankly wasn't aware of any of the details of the investigation, nor had I had anything to do with it, nor would I have anything to do with any such investigation.

I would not have anything to do with telling the police what to do or how to do their job. They have a job to do. If somebody is aware of certain sets of facts and presents those to people in terms of investigations, that's one thing. But the idea that the government or the Premier would in any way, shape or form have anything to do with any kind of police investigation in our province in this day and age is simply preposterous. That's not how things work.

Mr Bradley: What is preposterous is the fact that the Premier could stand up and give an answer like that.

The Premier's answer on Thursday said: "The allegation you are making that this Premier or that any member of this cabinet had anything to do with that investigation has absolutely no foundation. If you had an ounce of

integrity, you'd stand up and say that there's nothing been directed at us. You have none."

On every one of the occasions where the Ontario Provincial Police have visited either a member of the news media or a member of the opposition to investigate the loss of documents by the government, documents embarrassing to the government, on all of those occasions those investigations were in fact begun by the government itself, the deputy minister of the various ministers, who supposedly answer to the ministers, initiating those particular investigations.

The OPP do not stroll down the hall and decide to walk into a reporter's or a member's office. The OPP don't watch question period and decide that they're going to initiate an investigation based on a document used in the House.

I ask the Premier, when are you going to stop this practice of having people within your government initiate investigations against the press and against members of the opposition, in fact using the OPP as a political police force?

Hon Mr Rae: I can only say to the honourable member as emphatically as I possibly can that the assumptions of his question are false and that it is quite simply unfair on the part of the honourable member to continue making the kinds of allegations that he's making.

NEW WCB HEADQUARTERS

Mrs Elizabeth Witmer (Waterloo North): My question is for the Premier. There's been a tremendous amount of misleading information circulated regarding the new Workers' Compensation Board building. This morning you were quoted on the CFRB show in stating that the Liberals had contracted for the construction of the new WCB building and that you were unable to cancel the deal.

Is that true? Are the Liberals responsible for the mess we're in regarding the new WCB building?

Hon Bob Rae (Premier): As the honourable member has posed the question directly in terms of what I've said this morning, I will say to the honourable member that my understanding of the situation, and I only go by the auditor's report and my understandings from the minister, is that the discussions within the Workers' Compensation Board with respect to this matter date back to—well, they had set up a company that could invest in real estate in 1988. They then proceeded to intensify discussions through 1990, and those discussions were had with the board of directors of the WCB through the spring of 1990, July 1990 and September 1990. It's also the case that the contract was let after October 1, 1990.

Mrs Witmer: Just for the information of all concerned, the facts in the auditor's report were as follows: fall 1990, public tender process; December 1990, the board authorized the administration to negotiate with proponents of short list; February 1991, the board authorized administration to negotiate an agreement with the proponents of Simcoe Place; April 1991, the board ratified the lease letter agreement and authorized administration to negotiate all related documentation; and finally,

in April 1992 the board authorized WCB administrators to execute documentation to finalize the transaction with proponents of Simcoe Place.

Have you been misled by your own staff in believing that the Liberals are responsible for the mess we're in?

Hon Mr Rae: I wouldn't say that all, but I have enormously high regard for the member for Waterloo North, and I might say by way of an answer, why would you omit all of page 17 from the chronology of the auditor's report in your presentation of the chronology of events even today?

The honourable member would know full well that this chronology, as set out in terms of pages 17 and 18, refers to all that took place prior to October 1, 1990. I'm surprised that the honourable member, for whom I have enormously high regard, would in terms of her listing of all the events—why wouldn't you talk about the activities on May 5, 1989, or July 5, 1990, or September 6, 1990, or September 7, 1990? Why wouldn't you also be asking, what did the Minister of Labour under the previous administration know about the extent of this project and the extent of this process? Why wouldn't that be part of your record and part of your question?

Interjections.

The Speaker (Hon David Warner): New question. The member for Prince Edward-Lennox-South Hastings.

Mr Gregory S. Sorbara (York Centre): On a point of privilege, Mr Speaker: Once again the Premier tries to suggest that previous ministers of Labour, myself and the member for Scarborough-Agincourt, were instrumental in authorizing the Workers' Compensation Board to construct the building. I just think—

The Speaker: The member does not have a point of privilege. Order.

Mr Sorbara: —that it is a lie and it is a misrepresentation of the truth.

The Speaker: Order. The member has himself raised a point of order. He is out of order, and I ask the member to withdraw those remarks immediately. I realize that for the honourable member for York Centre this is a difficult and contentious issue. At the same time, I realize that the member, as a distinguished member of the House, would not want to use unparliamentary language in the House. I would ask him to please withdraw those unparliamentary remarks.

Mr Sorbara: Mr Speaker, I withdraw the remarks and invite the Premier to correct the record now.

The Speaker: It is now time for a new question.

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PROPERTY ASSESSMENT

Mr Paul R. Johnson (Prince Edward-Lennox-South Hastings): My question is for the Finance minister. Recently, I've received many calls from constituents in Prince Edward county who are concerned about the effects of market value assessment on their municipal tax bills. They've received their assessment notices, and people like Mac McArthur from Wellington and Monica Coughlan from Wellington and indeed even my mother gave me a phone call. She was concerned about how the

increase in the value of her house was going to affect her taxes.

Can the minister tell me why a system of market value assessment based on 1988 property values has been implemented in many areas and whether he has looked at all the implications of this system.

Hon Floyd Laughren (Minister of Finance): For the member from Prince Edward-Lennox, who has raised the whole question of local property taxation with me on numerous occasions, I would simply remind him and other members and his constituents that the decision to seek a reassessment of property taxes originates at the local level.

Once a municipality has asked for a reassessment, they understand on which year that reassessment will be based. The Ministry of Finance does an impact study which indicates to that municipality exactly what the financial impact will be, because inevitably some property taxes will go up and some property taxes will go down. I didn't want the member from Prince Edward-Lennox to think there was any motivation behind the reassessment other than that requested by the local municipality.

Mr Paul Johnson: These people are concerned, of course, because as they see their property assessments going up in value and as mill rates are applied, they have an expectation of a large increase in their municipal taxes. What they all want to know is, will there be any financial assistance available for those who are on fixed incomes who are particularly affected by these changes?

Hon Mr Laughren: That's a good question. Under the Municipal Act, a municipality has the right to pass a bylaw to phase in any of the impacts of the reassessment, in this case to market value assessment. I believe it started out on 1984 assessment values. Once that's been done, under the Municipal Act the ministry is required to reassess every four years in order to maintain fairness in the system. The municipality can pass a bylaw to phase in the implementation of the change to mitigate the impact on local property taxpayers. Finally, there are tax credits in the form of property tax and sales tax credits that do mitigate somewhat the impact of property taxes on relatively low-income people in the province.

HIGH-ALCOHOL BEER

Mr Carman McClelland (Brampton North): I have a question for the Minister of Consumer and Commercial Relations. Today the Toronto Star makes reference to some comments from Metro Toronto police that indicate that charges under the RIDE program are up some 39% this year over last year. That is reversing a trend over the past number of years, where I'm pleased to see the trend has been for a reduction in charges.

The police have indicated that one reason for the increase may be, and I'm quoting from a police officer of the Metropolitan Toronto police, "More people are drinking home brew and new brands of beer on the market this winter with higher alcohol content."

You will recall, Minister, that a few days ago, in fact on November 24, my colleague the member for Mississauga North asked you what you in your role as minister were doing to inform the public about the impact

of high-alcohol-content beer. The industry has voluntarily entered into a marketing code and a protocol that controls its product distribution and its marketing and so forth. Your response to that was that you endorsed it, that you were in favour of it.

But at the same time you refused, in your capacity, to take any proactive role to accept any responsibility or to indicate that you, through the office of your ministry, would initiate some public service announcements and help educate the province and the people of this province. Are you completely satisfied that the people of Ontario are fully informed about the effects of higher-alcohol-content beer that they may be consuming?

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): First of all, I'd like to welcome the member for Brampton North back to the House. It's good to see my esteemed critic from the Liberal Party back here today.

I don't know if he was in the House when this question was addressed to me before, but he's right that what I said at the time was that I expressed great concern about the possibility of these beer strength wars starting here in Ontario. What I also said is that these beers are not new to Ontario; about 15% of the market already has the higher-alcohol-content beers in the market.

What I am attempting to do, and I think successfully, although we'll have to monitor the situation, is, where possible, to get the big beer companies which are producing these beers and marketing these beers—and this makes eminent sense to me, given that we are in a recession and we do have a deficit—get the corporations which are marketing the products to pay to get the information out there to the public. That is part of their marketing strategy, and I'm monitoring that to make sure it does happen.

Mr McClelland: Thank you for the non-answer, Minister. I might indicate that maybe you've been absent, running around the province playing games with casino projects and so forth, but many of us have been here doing our jobs. I'm surprised the Speaker didn't jump on that in terms of the inappropriateness of your comment.

At the end of the day, you are responsible for protecting the interests of consumers in the province of Ontario. That's your job. The police say that many people may be getting into their cars and driving without realizing they've gone over the limit. They may be drinking what they think is a safe limit, but in fact they're getting much more alcohol than they realize. It's clear that the public needs to be educated and needs to know about the effects of what they're drinking. We're talking about lives. Happily, there have been no fatalities. Minister, act before it's too late.

The industry appears to be doing its share and is willing to do its share. Will you commit your government to do its share and its part to protect the people of the province of Ontario through whatever means are necessary? The public deserves the kind of information that it needs to know. I'm calling on you to fulfil your responsibilities and to begin to act today.

Hon Ms Churley: Despite all the rhetoric from the

member opposite, he's not listening to my answer. I have in fact acted, and I've acted quite responsibly, by meeting with the anti-drinking-and-driving group, by having my deputy and other officials meet with the beer companies concerned and expressing my views and the anti-drinking-and-driving views, expressing our concerns about this very issue.

As I said before when I was asked this question in the House, the Liberals cannot have it both ways. One day they're saying, "Spend, spend, spend," as today; the next day they're saying: "Don't spend. Do something about the deficit." Won't they wake up and smell the coffee? The government cannot do it all.

We are in a position here where we can reach out to the companies which have millions of dollars of profit and tell them what our concerns are and ask them, which they said they would do, to make sure this information is given to the public. We are monitoring that. If they don't do as they said they would, then we'll review our options, but at this point what we're doing is acting quite responsibly under the circumstances.

RESEARCH GRANTS

Mrs Dianne Cunningham (London North): My question is to the Minister of Education and Training. I'm happy to see him talking to the Minister of Industry, Trade and Technology, because it has to do with his department as well.

Two things have happened: Today we learned in an article from the University of Toronto press that there's a major review of funding for the universities in Ontario proceeding. Secondly, in a discussion with the minister's staff a couple of weeks ago on a briefing, we were advised that there is a discussion about eliminating some \$30 million in research overhead expenditures in grants to colleges and universities. Could you please advise us if in fact you are considering eliminating or reducing research grants to the colleges and universities?

Hon David S. Cooke (Minister of Education and Training): The only number in terms of \$30 million, that the member must be confusing between two items, is the second year of the expenditure control plan with the \$34 million to colleges and universities that was explored in the House last week and that colleges and universities had been told about in the summer.

Mrs Cunningham: I can assure the minister that I'm not confusing the two numbers; I went to a great extent to get them clarified. At this point in time I can tell him that the industrial policy framework, the backgrounder that went with the document released by the Ministry of Industry, Trade and Technology, underlines and states, for his information, "Although Ontario outperforms Canada as a whole, it underperforms its competitors in research and development and has been slow to adopt new technologies."

It goes on further to say—

Hon Ed Philip (Minister of Municipal Affairs): Not any more, it doesn't.

Mrs Cunningham: Did the minister say to ignore this?

Hon Mr Philip: I said, "Not any more."

Mrs Cunningham: I don't think so. "Ontario's high-incomes competitors have recognized the importance of technology and are investing a much larger share of their economic output in research and development." I think research and development is extremely important to this particular minister and I think he understands it very well.

1450

But we do have a very big concern and that is, if in fact we are looking at reviewing the universities, and if in fact some staff and the universities themselves are very concerned about the research component, and if in fact we're saying it's extremely important to the future of Ontario, and if we know from our own booklet that we released more recently—

The Speaker (Hon David Warner): Could the member place a question, please.

Mrs Cunningham: —that other individual states are ahead of us in research and development, could the minister stand and inform this House and the universities today that the research and development component will not be cut as a result of these discussions?

Hon Mr Cooke: We're not talking about, through the OCUA referral that was made, cutting back on research. What we are talking about is more of an emphasis on teaching in our colleges, specifically, in our universities. There are many people who have recommended this for many years, that there should be more of an emphasis on teaching, that one of the options may in fact be that there'll be a bit more teaching time from professors so that class sizes could be decreased and the quality of our universities can be improved.

That doesn't mean there's a decrease in the emphasis on research. In fact, if the question were directed to the minister responsible for economic development, she would tell the member that every effort has been made to focus our research money that goes out of that ministry across the province to make sure there is a strategic value to it and that the dollars have been protected, because we believe in this government that that's a top priority.

MUNICIPAL LEGISLATION

Mr Stephen Owens (Scarborough Centre): My question is for the Minister of Municipal Affairs. Minister, the last—

Interjections.

The Speaker (Hon David Warner): Order. The member for Scarborough Centre has the floor.

Mr Owens: The member for St George-St David refers to me as John Candy, but it's better than some of the names that he's been referred to as.

My question to the Minister of Municipal Affairs is with regard to the Ottawa-Carleton act. We've been working for a number of months to bring municipal electoral reform to the Ottawa-Carleton region. It's been blocked. Can you tell me when you hope to bring this piece of legislation in?

Interjections.

The Speaker: Order.

Hon Ed Philip (Minister of Municipal Affairs):

Thanks to the screaming of the opposition, I couldn't hear the question. May I ask that the last two sentences of the question be repeated? I couldn't hear them.

The Speaker: The member for Scarborough Centre was recognized to ask a question. I would ask the members of the opposition to allow him the opportunity to do so. I did not hear the last part of the question.

Mr Owens: The last part of my question, Minister, was that you and the Minister of Housing, the member for Ottawa Centre, have been working quite diligently to bring this piece of legislation, Bill 77, to the House. Can you tell this House when you hope to have it introduced and the kinds of reforms it will bring to the Ottawa-Carleton area?

Hon Mr Philip: It's on the order paper. We hope to call it before the House adjourns. Clearly it has very widespread support from such people as Claude Bennett, the former Conservative Minister of Municipal Affairs, who has called me on a regular basis, from the Ottawa Board of Trade and from numerous ratepayers' groups. Indeed I believe that on the weekend two Liberal members of the Legislature issued some press releases supporting it.

With that kind of support, I'm sure we can get the bill through the House fairly quickly.

PAROLE SYSTEM

Mr Tim Murphy (St George-St David): A question for the Solicitor General: The Solicitor General will know that Clinton Suzack is charged with the first-degree murder of Sudbury Constable Joseph MacDonald. The fact is that Mr Suzack was released on parole when seemingly everyone, the parole officers, police and others, according to the new facts out on the weekend, agreed that he should not be released. We want to know why, Constable MacDonald's family wants to know why, the public wants to know why he was released.

There are real problems with respect to the parole board and the parole system. It's not just in this case, although it is clear that a parole officer recommended against release. But in the Stephenson inquest, which is now over a year old, Solicitor General, we can't even get answers on the status of your response to this report from your ministry. You're not prepared to tell us anything that's going on in the probe. There's clearly a problem. You're hiding the problem. We want to know what's going on.

Are you going to tell us why Clinton Suzack was released and what you're doing with respect to the Stephenson inquest report?

Hon David Christopherson (Solicitor General): I heard two questions. One is on the review of the parole decision which, as I have also said to the honourable colleague in the third party, is the matter of a report that was presented to me immediately following the incident in question and the decision.

I have that report, as the honourable member knows. I have referred it to the Attorney General's ministry for advice on how much of the report can be made public. The honourable member knows I have received advice that I cannot release any part of that report for fear that

it may prejudice matters that are now before the courts.

With regard to the second part of the question, let me say that it is our intention to respond to those recommendations in the time frames outlined in the report.

NEW WCB HEADQUARTERS

Mr Steven W. Mahoney (Mississauga West): On a point of order, Mr Speaker: I've been looking through for the specific point of order and perhaps you can help me with it. You corrected the member for York Centre today, or rather raised a point of order about his allegations of untruths, and you did so with me as well.

I wonder if you could advise as to what procedure might be in place with regard to the reference by the Premier to page 17 of the public auditor's report in which, in answer to the question from the member for Waterloo North, he indicated that something had occurred in this chronology which indeed had not occurred.

If you could just bear with me on the point of order, the chronology that is referred to by the Premier on page 17 of the auditor's report dated June 30, 1993, begins on October 14, 1988, when 799549 Ontario Inc was incorporated, a wholly owned subsidiary of the Workers' Compensation Board, and all through October 1988, May 1989, August 1989, October 1989, July 1990, up to that point all references that the Premier referred to in answer to the question from the member for Waterloo North in relationship specifically to the chronology for the decision—

The Speaker (Hon David Warner): What is the member's point of order?

Mr Mahoney: I have to give you a bit of background to help you in ruling on it. All of the chronology referred to and relied on by the Premier does not deal with any decision in relationship to the Workers' Compensation Board building.

The Speaker: What is it that is out of order?

Mr Mahoney: The point of order is, sir, that if you're going to correct members of the opposition in pointing out something that may be construed as an mistruth in this place, is it also important that you would correct the Premier for uttering his mistruth on the radio?

The Speaker: No. The member is treading on very dangerous ground. I ask the member first to take his seat. Second, the member should know full well that what is a question for the Speaker is the parliamentary language. Details, facts, differences of opinion are not for the Speaker to determine, nor the veracity thereof, but simply whether or not language appropriate to the decorum of a chamber is used. That's all, and the member knows that full well. This is nothing new. It's only 700 years of history that dictate what the Speaker does with respect to conduct in the chamber, and that's what I'm attempting to fulfil.

PETITIONS

WOLF POPULATION

Mr Sean G. Conway (Renfrew North): I rise today to present a petition signed by over 1,000 of my constituents living in west Renfrew county who are, to a person, enraged and furious about the unilateral imposition by the Ministry of Natural Resource of a wolf ban on the

townships of Hagarty, Richards and Burns.

I am pleased to present this petition on their behalf to the House and particularly to the Minister of Natural Resources.

SEXUAL ORIENTATION

Mr W. Donald Cousens (Markham): Here are approximately 1,000 more signatures on a petition to the Legislative Assembly of Ontario:

"Whereas traditional family values that recognize marriage as a union between a man and a woman are under attack by Liberal MPP Tim Murphy in his private member's Bill 45; and

"Whereas this bill would recognize same-sex couples and extend to them all the same rights as heterosexual couples; and

"Whereas the bill"—

Mr Pat Hayes (Essex-Kent): How about Bill 55, while you're up there?

Mr Cousens: Bill 55 has been withdrawn. I announced that last week.

1500

Interjections.

The Speaker: Order. Not just to the member for Markham but indeed information for all members, what is most appropriate is either to provide a short summary of the petition or simply to read verbatim the essential parts of the petition. No editorializing.

Mr Cousens: Thank you, Mr Speaker.

"Whereas the bill was carried with the support of an NDP and Liberal majority with no PC support in the second reading debate of June 24, 1993; and

"Whereas this bill is currently with the legislative committee on administration of justice and is being readied for quick passage in the Legislature; and

"Whereas this bill has not been fully examined for financial and societal implications;

"We, the undersigned, petition the Ontario Legislature to stop this bill and to consider its impact on families in Ontario."

I have affixed my signature to it.

SCHOOL ACCOMMODATION

Mr Larry O'Connor (Durham-York): I have a petition here to the Legislative Assembly of Ontario from the taxpayers of St Thomas Aquinas, St Bernadette's, Our Lady of Good Counsel, Good Shepherd and Prince of Peace schools on the subject of the high school for East Gwillimbury-Georgina:

"Our children, the students of East Gwillimbury-Georgina, currently travel two hours each day to attend the overcrowded Sacred Heart school in Newmarket and are now being required to add one hour more to reach Cardinal Carter school in Aurora.

"Three hours of commuting for 14-year-old children is too much. York region separate board has just put an unreasonable request upon its families in communities in the north. The experts from planning and service within the separate school board recommend that Georgina get a new high school.

"We, the parents of these children, request that the Minister of Education consider our plight when processing the distribution of allocations for new schools is implemented. The attached signatures indicate support for the above and rely on your impartial and good judgement to do the right thing."

I affix my signature to it.

PHOTO-RADAR

Mr Tim Murphy (St George-St David): A petition addressed to the Legislative Assembly of Ontario:

"Whereas the NDP government of Ontario is planning to implement a photo-radar system to penalize speeding drivers; and

"Whereas the provincial freedom of information commissioner has ruled that the NDP's photo-radar system violates the province's protection of privacy legislation; and

"Whereas there may be a number of legal and constitutional challenges to the NDP's photo-radar legislation; and

"Whereas the photo-radar system will cost millions of dollars to set up and implement; and

"Whereas the photo-radar fines involve no demerit point penalties, which the Minister of Transportation has said is the only way to force the public to obey other highway safety regulations, such as the use of seatbelts; and

"Whereas the photo-radar legislation penalizes the owner of the vehicle even if he or she is not responsible for the violation; and

"Whereas there have been concerns raised as to whether the photo-radar technology will even accurately measure the speed of all vehicles; and

"Whereas a government newsletter quotes a ministry staff person admitting that photo-radar is only being implemented to bring new revenue to the province; and

"Whereas the NDP government is already wasting too much of the revenue it does receive;

"We, the undersigned, demand that the NDP government cancel its plans to implement photo-radar and cancel its photo-radar legislation."

This is signed by many constituents in the province of Ontario and I've signed my name to it.

EMPLOYMENT EQUITY

Mr Jim Wilson (Simcoe West): I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas the government should not interfere in business in any way; and

"Whereas any person applying for a job should be judged solely on his or her abilities and experience; and

"Whereas their colour, religion, race, gender or other such characteristics should not enter into the equation; and

"Whereas Bill 79 will establish a quota system by hiring by race, colour, sex or other physical characteristic; and

"Whereas employers should be allowed and required to judge each person as a person and hire them on merit;

"We demand the government withdraw Bill 79, the Employment Equity Act."

That's signed by a number of concerned people from the province of Ontario and I too have affixed my signature to it.

SEXUAL ORIENTATION

Mr Peter North (Elgin): I have a petition to the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"The insertion of 'sexual orientation' in subsection 2(2) and 5(2), the omission of 'opposite sex' in subsection 10(1), the omission of 'religious belief' in subsection 2(2) and 5(2);

"Therefore we request that the House refrain from passing Bill 45."

Mr Paul Klopp (Huron): I have a petition to the House today regarding the private member's bill, the Liberal bill, Tim Murphy, Bill 45, and the Conservative Bill under Mr Cousens, Bill 55. It comes from Bethel Pentecostal Assembly, some 187 names, and their opposition to those bills, and then further, a constituent, Peter Vandriel, and the community he represents, with over 462 names, and their displeasure with Bill 45, and I do so give to the House today.

BROADCAST OF QUESTION PERIOD

Mr Hans Daigeler (Nepean): To the Legislative Assembly of Ontario:

"Whereas thousands of Ontario residents are deeply concerned about issues such as taxes, auto insurance, wasteful spending and the provincial economy; and

"Whereas the broadcast of the proceedings of the Legislature is crucial to helping the public understand what its elected officials are doing; and

"Whereas TVOntario does not broadcast the daily question period until late at night;

"We, the undersigned, request that the government encourage TVOntario to schedule its broadcast of question period earlier in the evening so that all Ontarians can become more involved in the proceedings of the Legislature and the actions of their elected officials."

I'm very pleased to sign this petition as well, because I support it.

COLLECTIVE BARGAINING LEGISLATION

Mr Charles Harnick (Willowdale): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the petitioners are lawyers in the employ of the Ministry of the Attorney General and are the respective presidents of the two associations of government lawyers; and

"Whereas the government is moving amendments to Bill 117, entitled An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts, which will affect collective bargaining between the lawyers and the government; and

"Whereas the result of certain of these amendments

will remove mandatory binding arbitration as the current way in which lawyers in the employ of the Ministry of the Attorney General are able to resolve disputes which arise in collective bargaining with the government; and

"Whereas a further result of these amendments will be, in the event of an unresolved dispute in the collective bargaining process, to require lawyers to vote to go on strike before they may have access to a dispute resolution mechanism to be determined by the labour relations board; and

"Whereas only the labour relations board will have the power to order mandatory binding arbitration; and

"Whereas during the course of consultation by the Ministry of Labour with the two associations, the aforementioned requirement to go on strike prior to access to potential arbitration was never raised;

"Therefore, the petitioners respectfully request that this honourable assembly instruct its committee of the whole House to hear representations by counsel for the lawyers in the employ of the Ministry of the Attorney General on the adverse effect that the amendments to Bill 117 will have on government lawyers' ability simultaneously to exercise their collective bargaining rights and to discharge their professional obligations."

It's dated December 9, 1993, signed by Bev Brown, the president of the Ontario Crown Lawyers Association, and James Gurling, president of the Association of Law Officers of the Crown, Ministry of Consumer and Commercial Relations, and I have affixed my signature.

SEXUAL ORIENTATION

Mr Peter North (Elgin): I have a petition to the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"The use of sexual orientation, section 7.1; the use of sexual orientation, section 26.1(a) and (b); the omission of religious belief in sections 7.1 and 26.1(a) and (b); the convictability of anyone contravening sections 7.1 and"—I'm sorry, I can't read that part.

"Therefore, we request that the House refrain from passing Bill 55."

SEWER AND WATER PROJECT

Mr Michael A. Brown (Algoma-Manitowlin): I have a petition to the Legislative Assembly.

"We, the future users of the proposed Mindemoya water and sewer project, do strongly object to any further environmental studies of the proposed site. We have the utmost confidence in the recommendations of the consultants hired by the township of Carnarvon. Further, we believe that any additional delay will unjustifiably increase the cost to taxpayers while unnecessarily jeopardizing the health of the citizens in the area.

"Therefore, we respectfully request that work on this project be started immediately and without further pump-out studies."

I will affix my signature.

EMPLOYMENT EQUITY

Mr Gary Carr (Oakville South): Constituents in my

riding of Oakville South have asked me to table a petition which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the government should not interfere in business in any way; and

"Whereas any person applying for a job should be judged solely on his or her abilities and experience; and

"Whereas their colour, religion, race, gender or other such characteristics should not enter into the equation; and

"Whereas Bill 79 will establish a quota system by hiring by race, colour, sex, or other physical characteristics; and

"Whereas employers should be allowed and required to judge each person as a person and hire them on merit;

"We demand that the government withdraw Bill 79, the Employment Equity Act."

I have affixed my signature to that as well.

1510

HEALTH SERVICES

Mr Ron Eddy (Brant-Haldimand): I have a petition to the Legislative Assembly of Ontario on user fees.

"Whereas the NDP has always said it was against user fees in health care and other social services;

"Whereas the NDP promised it would never implement user fees for health care and other social services;

"Whereas the NDP has bowed to pressure from the Conservative Party and is now working to implement user fees in a number of areas; and

"Whereas the NDP government is now planning to implement a number of health user fees by charging for various necessary drug treatments, for annual checkups, psychiatric counselling and speech therapy for children, and other necessary services; and

"Whereas the NDP government is trying to fool the public by saying that these are not user fees but rather copayments; and

"Whereas it has been shown that user fees do not make health services more accountable but only restrict access;

"We, the undersigned, urge the NDP government to reconsider its new policy on user fees and protect the integrity of our universal health care system by cancelling its proposed user fees on health services."

It's signed by a number of citizens of Ontario and I affix my signature.

SEXUAL ORIENTATION

Mrs Elizabeth Witmer (Waterloo North): I have several petitions here from people in the Waterloo region and surrounding communities: from Mary Patterson, Elmira Pentecostal Assembly, Gwen Van Bruwaene and Claudia Kempster.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the oppos-

ite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate homosexual special-interest groups.

"We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code, may include sadomasochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age, sex, we believe all such references should be removed from the code."

I hereby affix my signature as well.

Mr Randy R. Hope (Chatham-Kent): I have a petition that's addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario. Accompanying those petitions is a letter to Michael Harris, leader of the third party, expressing opinion about Bill 45 and Bill 55. They are asking, on behalf of those constituents, that both Bills 55 and 45 be refrained from passage in the House. On behalf of those constituents in my community, I present the petition.

PROCEEDS OF CRIME

Mr David Tilson (Dufferin-Peel): I have a petition of 43 signatures from my riding of Dufferin-Peel.

"Whereas criminals can currently derive profit from the sale of recollections of their crime; and

"Whereas criminals can also derive profit for interviews or public appearances; and

"Whereas this can cause suffering of crime victims and that of their families;

"We, the undersigned, demand that private member's Bill 85, Proceeds of Crime Act, 1993, be passed into law."

I have signed this petition.

Mr Bill Murdoch (Grey-Owen Sound): I have a petition to the Legislative Assembly of Ontario.

"Whereas criminals can currently derive profit from the sale of recollections of their crime; and

"Whereas criminals can also derive profit from interviews or public appearances; and

"Whereas this can cause suffering of crime victims and that of their families;

"We, the undersigned, demand that private member's Bill 85, Proceeds of Crime Act, 1993, be passed into law."

Mr Gary Carr (Oakville South): To the Legislative Assembly of Ontario:

"Whereas criminals can currently derive profit from the sale of recollections of their crime; and

"Whereas criminals can also derive profit for interviews or public appearances; and

"Whereas this can cause suffering of crime victims and that of their families,

"We, the undersigned, demand that private member's

Bill 85, Proceeds of Crime Act, 1993, be passed into law."

I have signed that as well.

Mrs Elizabeth Witmer (Waterloo North): On a point of order, Mr Speaker: When I was reading my petition I forget to mention, "Therefore, we request that the House refrain from passing Bill 45."

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Brown from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bill, as amended:

Bill 26, An Act respecting Environmental Rights in Ontario / Projet de loi 26, Loi concernant les droits environnementaux en Ontario.

The Deputy Speaker (Mr Gilles E. Morin): Shall the report be received and adopted? Agreed.

Shall Bill 26 be ordered for third reading? Agreed.

INTRODUCTION OF BILLS

THEATRES AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LES CINÉMAS

On motion by Mrs Witmer, the following bill was given first reading:

Bill 135, An Act to amend the Theatres Act / Projet de loi 135, Loi modifiant la Loi sur les cinémas.

Mrs Elizabeth Witmer (Waterloo North): This bill gives the Ontario Film Review Board the power to review and classify video and computer games by amending the definition of "film" in the Theatres Act to include such games.

On a number of occasions, I have indicated to the government that there is a need for such legislation because of the proliferation of adult video and computer games which include violent and sexual aspects. This bill will give the government, through the Ontario Film Review Board, the ability to regulate and classify these games.

ORDERS OF THE DAY

INCOME TAX AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU

Deferred vote on the motion for third reading of Bill 31, An Act to amend the Income Tax Act / Projet de loi 31, Loi modifiant la Loi de l'impôt sur le revenu.

The Deputy Speaker (Mr Gilles E. Morin): Call in the members. This will be a five-minute bell.

The division bells rang from 1518 to 1523.

The Deputy Speaker: Mr Laughren has moved third reading of Bill 31, An Act to amend the Income Tax Act.

All those in favour of the motion will please rise until your name is called.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper,

Duignan, Ferguson, Fletcher, Frankford, Grier, Haeck, Hampton, Hansen, Harrington, Haslam, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lankin, Laughren, Mackenzie;

Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Morrow, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Silipo, Sutherland, Swarbrick, Ward, Waters, Wessinger, White, Wilson (Frontenac-Addington), Wilson (Kingston and The Islands), Winninger, Wiseman, Wood, Ziembra.

The Deputy Speaker: All those opposed to the motion will please rise one at a time.

Nays

Arnott, Beer, Bradley, Brown, Carr, Cleary, Conway, Cousens, Cunningham, Daigeler, Eddy, Eves, Grandmaître, Harnick, Johnson (Don Mills), Jordan, Mahoney, Marland, McLean, Murdoch (Grey-Owen Sound), Murphy, North, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Runciman, Ruprecht, Sterling, Stockwell, Sullivan, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Deputy Speaker: The ayes are 58; the nays are 39. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

RESIDENTS' RIGHTS ACT, 1993 LOI DE 1993 MODIFIANT DES LOIS EN CE QUI CONCERNE LES IMMEUBLES D'HABITATION

Deferred vote on the motion for second reading of Bill 120, An Act to amend certain statutes concerning residential property / Projet de loi 120, Loi modifiant certaines lois en ce qui concerne les immeubles d'habitation.

The Deputy Speaker (Mr Gilles E. Morin): We will now vote on second reading of Bill 120. This will be a five-minute bell.

The division bells rang from 1526 to 1531.

The Deputy Speaker: Ms Gigantes has moved second reading of Bill 120, An Act to amend certain statutes concerning residential property.

All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooke, Cooper, Duignan, Ferguson, Fletcher, Frankford, Grier, Haeck, Hampton, Hansen, Harrington, Haslam, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lankin, Laughren, Mackenzie;

Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Morrow, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Silipo, Sutherland, Swarbrick, Ward, Waters, Wessinger, White, Wilson (Kingston and The Islands), Wilson (Frontenac-Addington), Winninger, Wiseman, Wood, Ziembra.

The Deputy Speaker: All those opposed to the

motion will please rise one at a time.

Nays

Arnott, Beer, Bradley, Brown, Carr, Cleary, Conway, Cousens, Cunningham, Daigeler, Eddy, Eves, Grandmaître, Harnick, Johnson (Don Mills), Jordan, Mahoney, Marland, McLean, Murdoch (Grey-Owen Sound), North, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Runciman, Ruprecht, Sola, Sterling, Stockwell, Sullivan, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Deputy Speaker: The ayes are 58; the nays are 39. I declare the motion carried.

Shall the bill be ordered for third reading?

Interjections: No. Committee.

The Deputy Speaker: Which committee shall it be referred to?

Hon Brian A. Charlton (Government House Leader): The general government committee, Mr Speaker.

The Deputy Speaker: The general government committee.

EXTENDED HOURS OF MEETING

Hon Brian A. Charlton (Government House Leader): Mr Speaker, just before I call the order, the House leaders have been having discussions about the next few days of sitting. I think we reached an agreement to sit past 6 of the clock today, so I seek the consent of the House to sit past 6 this evening.

The Deputy Speaker (Mr Gilles E. Morin): Do we have unanimous consent? A point of order?

Mr Ernie L. Eves (Parry Sound): Not a point of order, Mr Speaker, just a point of clarification, actually. Provided there's a limit on that to no later than midnight this evening, I think was the agreement.

The Deputy Speaker: Agreed.

1540

PROVINCIAL OFFENCES STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS EN CE QUI CONCERNE LES INFRACTIONS PROVINCIALES

Mr Pouliot moved third reading of Bill 47, An Act to amend certain Acts in respect of the Administration of Justice / Projet de loi 47, Loi modifiant certaines lois en ce qui concerne l'administration de la justice.

Hon Gilles Pouliot (Minister of Transportation): This bill has been controversial and has brought forward several points of view, comments, questions and queries vis-à-vis what is essentially a safety measure.

Throughout the discussion, the opposition has insisted on talking about money. Among the most cynical were those who said it was a tax grab. Others said the government's appetite was insatiable, that it would go to any length. Some went as far as to suggest that the Minister of Transportation had been frozen out of cabinet, imputing motives to my good friend and colleague the Deputy Premier, the Minister of Finance, saying I was merely driving the car for Floyd, for the Treasurer.

This is a safety initiative. It's no more than that and it's no less than that. It's a safety initiative to achieve the mission and the mandate of having the roads of Ontario the safest in all of North America. Some 1,100 lives were lost on our roads and our highways last year in the province of Ontario.

Interjections.

The Deputy Speaker (Mr Gilles E. Morin): Order, the member for Huron.

Hon Mr Pouliot: Some 90,000 Ontarians were injured. It cost billions of dollars in lost opportunities and productivity. One out of every six fatalities was the result of exceeding speed, people surpassing and exceeding the speed limit.

You've seen them. Take last Friday and Saturday nights on the 401. At 12 o'clock, people just whiz by at speeds exceeding 150 kilometres an hour. Well, those cowboys will now have to pay the price for jeopardizing not only their own life but the lives of other Ontarians. That's what this measure does. That's all it does.

The Ontario Provincial Police, the people in the know, those masters who work in their crafts on a daily basis around the clock, will tell you that speed kills. We all know this. Other jurisdictions—the state of California, the state of Arizona, the province of Alberta, most countries in Europe, and Australia and New Zealand—have photo-radar. Is it a tax grab? Is it intended that way? Do they rob people or do they just wish to reduce speed? In each jurisdiction, the number of fatalities has dropped. In some cases it's dropped by as much as 15% during the first year.

Others have mentioned that photo-radar is an invasion of privacy. I've searched long and hard to find meaning in this charge, an invasion of privacy, Mr Speaker. Picture this; we'll do it together. You're an educated man and you are about to find out—well, you know already, sir—which side is telling the truth. You have someone going at 150 kilometres an hour in the left lane and you have a picture—

Mrs Margaret Marland (Mississauga South): On a point of privilege, Mr Speaker: The minister said the House is about to find out which side is telling the truth. I think he is imputing my motives as someone who has a right to say that photo-radar will do nothing to get the drunk drivers off the highways—

The Deputy Speaker: Please, Minister.

Hon Mr Pouliot: My apologies. In any event, which side is most economical with the truth?

As I began to say, 150 kilometres an hour in the left lane, and if you get a picture of the licence plate at the back of the car, take it. I fail to see where the invasion of privacy is.

Mrs Marland: And the drunk drivers are still driving.

Mr Jim Wiseman (Durham West): Margaret, we don't have photo-radar yet. Get off your high horse.

The Deputy Speaker: Order, the member for Durham West, the member for Mississauga South.

Mr Chris Stockwell (Etobicoke West): Who's talking about a high horse?

The Deputy Speaker: The member for Etobicoke West. There'll be questions and comments afterwards. Wait, please.

Mrs Marland: Are there questions and answers?

The Deputy Speaker: The member for Mississauga South, please.

Hon Mr Pouliot: The irony is our police forces are stretched very thinly. Really, there aren't enough officers to police the speedster.

Let me share with you what a true invasion of privacy is, an invasion of the worst sort. As the police are deployed along our highways to monitor, to enforce the law, people are breaking and entering and invading the privacy, the sanctity of homes, that piece of heaven which you call your home, that small castle. That's an invasion of privacy of the first order, not taking a picture of the licence plate of someone going at excessive speed.

We will make the roads of Ontario not the second-safest but the safest in North America. Photo-radar will help us achieve that. If you're suspicious, slow down and abide by the law. This government will not go soft on crime. Never.

Look at what's happened elsewhere. Just look at it. If you have an opportunity to enact some sensible legislation, when you have 1,100 Ontarians losing their lives, and the opportunity passes and you don't seize it, you might as well quit. They'll appoint somebody else. Just throw in the towel and say, "Let them go."

I don't have the responsibility as a minister to do what's correct? We'll play political games. We'll test the waters and say: "If it's popular, if people mark an X beside our names, we'll do it. If it's not popular, then we won't do it." You can't operate that way. In conscience, you can't do it. Maybe some can. I know I can't.

I wouldn't be standing in my place today in the Legislative Assembly of Ontario carrying the can for the Treasurer, the Premier or cabinet. I don't need it. I will never need it. This is a bill that is sponsored by the Ministry of Transportation. They keep talking about money; we keep talking about saving lives.

Mr David Turnbull (York Mills): You never answered our questions. That's the reason.

Hon Mr Pouliot: We will not be deterred, Mr Speaker.

The Deputy Speaker: Order. The member for York Mills, please.

Mr Turnbull: Why don't you answer our questions? We have challenged him and he's never answered our questions.

1550

The Deputy Speaker: The member for York Mills, I advise you to remain quiet, please, Minister.

Hon Mr Pouliot: I can understand the passion associated with this legislation. That is a prime example indeed of the human dimension. This is the essence of life and nothing else matters.

Small glitches will have to be addressed. What we are proposing under Bill 47 is a pilot project for a duration of six months, where we will be able to iron out some of

the pitfalls, the workings associated with the implementation of photo-radar.

Mr Stockwell: How much money will you raise?

Hon Mr Pouliot: The member opposite asked, "How much money will you raise?" The question should be, "How many lives will be saved?" We are hoping, in terms of money, since the member opposite wishes to know, that it will not cost the province of Ontario too much money to put it in place.

The jurisdictions where photo-radar has been implemented have all experienced a significant reduction in the number of fatalities, in the number of accidents, and yes, the flow of traffic has been smoother and people are actually able to get from point A to point B more expediently.

Vous savez, les critiques ont été nombreuses, dans la plupart des cas non justifiées, vis-à-vis l'initiative, le projet de loi 47, qui désire faire des routes de l'Ontario les plus sécuritaires en Amérique du Nord.

Certaines gens, bien sûr, ont soulevé à plusieurs reprises que ces mesures n'avaient comme intention que d'enrichir les coffres du ministre des Finances du gouvernement actuel. Bien sûr, ce n'est pas le cas ici ; ce n'est pas le cas du tout.

Le ministère des Transports de ce gouvernement n'a qu'une seule intention : c'est de réduire le nombre de fatalités sur nos autoroutes, sur nos routes en Ontario de 1100 au plus bas possible dans un avenir rapproché.

Vous savez, es autres juridictions, celles qui ont eu le courage avant nous d'instituer un tel programme, chacune des juridictions, qu'on parle ici de l'Australie ou de la Nouvelle-Zélande, qu'on parle en grande majorité d'à peu près tous les pays de l'Europe, de certains États, dont l'Arizona, la Californie et la province de l'Alberta, ont toutes inévitablement été les récipiendaires d'un nombre beaucoup moins élevé de fatalités et d'accidents et de coûts associés à ces deux choses, donc les fatalités, des accidents.

Comment laisser passer cette opportunité qui vous donne la chance, si vous avez la capacité juridique de le faire, de réduire le nombre des accidents —

The Deputy Speaker: Order. The member for York Mills, the member for Durham West, if you want to hold a conversation you're free to do so. All you have to do is to leave the House. Do it outside the House, not in here, please. Minister.

L'hon M. Pouliot: On ne pouvait pas laisser cette opportunité passer.

Simply put, you obey the law and there's no fine. I understand that. I think everyone understands this, so why the big hype? Do you speed? Do you have a problem?

Mr Stockwell: How much money are you going to raise?

Hon Mr Pouliot: As members of the Legislative Assembly of Ontario, do all those people across there buckle up? We have an 84% rate of compliance. I recall—oh, do I recall vividly—when safety belts were first introduced, it was going to be a tax grab. It was unsafe to wear your safety belt; I recall that. There were

all kinds of gimmicks: If you were pregnant, you couldn't wear a safety belt. If you had a child, the child would bounce all over, with or without. They scared themselves. They spooked themselves. They tell stories to themselves.

Mr Stockwell: On a point of order, Mr Speaker: The member is speaking about seatbelts. I'm not sure that has anything to do with the issue that's being debated today. Furthermore, if you don't wear your seatbelt you personally get a ticket.

The Deputy Speaker: Order.

Mr Stockwell: You don't get a ticket with your licence. How much money are you going to raise?

The Deputy Speaker: Order, the member for Etobicoke West. You'll have your time to ask your questions or make your comments. In the meantime I would ask you to refrain from heckling, please.

Hon Mr Pouliot: Just the point I was making: It's the same people who don't want to talk about photo-radar who didn't want to talk about seatbelts.

Mr Turnbull: Rubbish. Absolute rubbish. That's misleading.

Hon Mr Pouliot: Just the point I was making.

The Deputy Speaker: The member for York Mills, I would ask you to withdraw your remarks.

Mr Turnbull: Mr Speaker, I'm asking the minister to withdraw his comments.

The Deputy Speaker: I ask you to withdraw. Are you withdrawing?

Mr Turnbull: We aren't the ones who didn't want safety belts. It simply isn't true.

The Deputy Speaker: Are you withdrawing your remark?

Mr Turnbull: Yes, I am, and I would ask the minister to withdraw too.

The Deputy Speaker: I advise the member for York Mills to please refrain from arguing with the Chair. Take your seat, please.

Mr Turnbull: Mr Speaker, he's imputing motive.

The Deputy Speaker: Order.

Hon Mr Pouliot: At the beginning it was a tough sell. The government of the day had tried, through education, to make it a soft sell. It took a long time. Over the years, 6.5 million Ontarians with a licence in good standing—and that number increases by 250,000 each and every year—84% of those 6.5 million people who drive car and other vehicles are now wearing their safety belts. It's not in question any more.

You have some hard-core, reluctant candidates, and as of January 1 they will be penalized for two demerit points on their licence if they don't wear their safety belt. We didn't get to 84% compliance overnight. It took a lot of education. People had to be convinced themselves that if you fasten your safety belt, you have a better chance; it could save your life. Coupled with the new addition of air bags, you put the marbles in your pocket, you cash in the chips. The chances are on your side more and more.

This doesn't surprise. When all is said and done, speed still kills. We don't have to be a mathematical genius

emanating from Princeton, from Harvard, from U of T to understand that. Listen to the people who are doing their job, the foot soldiers, the front liners, the police who have to call the fire department to extract someone from the hunk of junk after an accident, when people are trapped inside. Listen to those people one time. Work one shift. Hear people moan inside the wreckage. Go to the trauma unit at Sunnybrook hospital and you will come back a different person indeed. Do those things.

1600

I will not be accused of having blood on my hands by preferring the status quo. I will not be accused of carrying the guilt because I didn't stand up because it was unpopular. I don't operate that way; I don't. This is an opportunity that is presented to us to make the system better. When the opportunity passes, I seize it and I make our roads safer. I'm convinced of that. If I weren't convinced, if my colleagues weren't convinced, this bill would not be in front of us for the consideration of all members of the House. I have no hesitation. I don't wish to catastrophize. I'm not the kind of person who keeps repeating that at 150 kilometres an hour, you go straight from the accident scene straight to the bag, and you're dead. No, sir. Enough is enough.

This is a good piece of legislation. It's going to have a six-month pilot project and it's going to keep people with us. Too often we get up in this House after the fact and we try to explain and we talk for those who no longer have a voice. They're no longer with us—16, 17, 20 years old; 15% of people with a licence in good standing are between the ages of 16 and 24. Remember, we have six and a half million people out there with a licence in good standing; 15% are between 16 and 24. When it comes to fatalities, it's 30%. Year after year after year it's twice the representation.

It's not only for speeding; that's a component. Speeding is not catalytic, is not the one argument, but is one of the many arguments that leads to fatalities being twice as high as the provincial average.

We're proud this is a tough but fair initiative. This initiative demands the resilience to stand up and do what's right for Ontarians. For some, it will be a bitter pill to swallow, but for the collective, it is the only pill to swallow. What is being done here is right. There is no getting away from the safety initiative. You can twist, you can turn, you can play shell games. When it comes back to focus, when all is said and done, if you don't speed, you don't have to be concerned, you don't have to be worried. Only those who exceed, who surpass the speed limit are in danger of getting caught by photo-radar.

If it were a tax grab, governments could strike universally.

Mr Stockwell: How?

Hon Mr Pouliot: There would be no if and but.

Mr Stockwell: How?

Hon Mr Pouliot: You can implement programs that are universal.

Mr Stockwell: What's going to raise you a billion dollars?

Hon Mr Pouliot: This is voluntary.

The Deputy Speaker: The member for Etobicoke West.

Mr Stockwell: Yes.

The Deputy Speaker: I would ask you to cooperate. I ask your cooperation.

Mr Sean G. Conway (Renfrew North): If I might on that point, very briefly, Mr Speaker, the impression is that the time allocation is quickly approaching some difficulty, so I think it would be useful if we just all in these last few days of this session tried to behave accordingly; I suppose all of us.

Hon Mr Pouliot: I thank the member from Renfrew, the wise sage, and the authority that he commands, and rightly so, around this assembly, for kindly reminding me that time is of the essence by virtue of an agreement prior.

I will conclude by encouraging all members of the House that there are no losers with third reading of Bill 47; there are only winners and contributors to again helping all of us Ontarians in making the roads of Ontario the safest in North America.

The Deputy Speaker: Questions or comments?

Ms Dianne Poole (Eglinton): The government House leader has advised that there's all-party agreement that the remaining time until 5 o'clock will be shared equally between the two opposition parties without questions and comments.

The Deputy Speaker: Agreed? Agreed.

Mr Noble Villeneuve (S-D-G & East Grenville): On a point of order, Mr Speaker: I was not aware of this and I was under the understanding that we had questions or comments. Would it be appropriate to have questions or comments pursuant to the minister's speech and then we could allocate the remaining time?

The Deputy Speaker: If everybody agrees, that's fine.

Mr Conway: We had a discussion on that very point but we thought it would be easier, given the shortness of the time available, to take our time within the allocated portions and try to discipline ourselves within the individual caucus allocations.

The Deputy Speaker: Agreed. Further debate?

Mr Stockwell: On a point of order, Mr Speaker: I'd just like to quickly go on the record. We had time allocation with this minister. He was supposed to make brief comments. In fact, the minister's speech will be as long, if not longer, than the total opposition time allowed. I don't think that's part of the deal and I take exception.

The Deputy Speaker: Is there agreement to split the time till 5? No questions or comments? Agreed. Further debate, the member for Eglinton.

Ms Poole: I would very much like to enter into this debate as we discuss photo-radar, which is only one aspect of Bill 47, but it certainly has become the most controversial. Bill 47 has been described as a cash cow. It's been described as an intrusion worthy of Orwell with its Big Brother implications.

When I have reviewed the material concerning Bill 47, and particularly the photo-radar section, I have found a

number of objections which I, as an individual member and as a citizen, have to this legislation.

First, it limits freedom of individuals, in fact erodes two rights which we, as Canadians, have long held sacred: the presumption of innocence until proven guilty and the right to face our accuser in court.

Secondly, there's no real deterrent in this photo-radar legislation. There are no demerit points issued; there's just a monetary fine.

The third point is about highway safety. If I believed what the Minister of Transportation said about this making our highways safer, then I would support this legislation, but I think that's a smokescreen.

There was an excellent letter in the *Toronto Sun* recently, letters to the editor, by Troy Pulchinski from Oshawa and I'd like to read it into the record. I think it synthesizes the safety issue.

"The NDP government's efforts to impose highway photo-radar systems completely undermines any rational attempt at curbing accidents which are costing lives on Ontario highways. These machines lack the ability to evaluate a situation which may force a driver to exceed the posted speed limit, even for a few seconds. A sound example came out of your paper last week when a man was rushing to his wife's side after the birth of their child. A police officer, instead of ticketing the motorist, escorted him to the hospital. Photo-radar does not 'see' motorists who tailgate, cut off, drive with their lights off at night, or change lanes without signalling. It does not see if the car is swerving because the driver is impaired or if the car is not roadworthy. All photo-radar will see is huge revenues for this government and justification to reduce the already depleted numbers in our police forces."

From that, and I agree wholeheartedly with those comments, it becomes clear that other safety provisions which are right now monitored by our police officers on our highways will no longer be in place.

The experts believe this legislation will be challenged constitutionally and in fact the Attorney General herself has agreed; she believes this will be challenged. The Information and Privacy Commissioner, Mr Wright, sees this bill as a violation of an individual's rights and civil liberties. Finally, the delay between the time an alleged offence occurred and receipt of the notice of the offence will make it more difficult for innocent persons to defend themselves.

I happen to be in a household where there are three drivers. If I get a notice some six weeks later of an infraction, it is extremely difficult, if not impossible, to determine whether one of us was driving the car on that particular night or if the car was at that particular location on that particular night. I really feel this is going to be a very difficult problem that we will face later on.

1610

I had an excellent letter from a constituent which I would like to read. In summary, it is to Gilles Pouliot, the Minister of Transportation, and it summarizes many of the issues that have been debated in this House concerning photo-radar:

"Dear Sir:

"What the h— do you think you're doing?

"Invoking closure on the most draconian bill ever seen in this province? Allowing only two days...for public hearings? Are you out of your mind? Or do you think that we are out of ours?

"Whatever happened to the NDP commitment to 'consult widely on all legislation'?

"You are certainly entitled to some credit. Under your guidance the ministry has done some impressive work in the area of road safety. I strongly support the graduated licence program and Bill 39.... Let's move it along.

"But only two days for the public to address a bill that damages two of the most sacred precepts of our legal system? Let's get real! Please remember that we are all innocent until proven guilty, and we also have the right to face our accuser. Bill 47, section 2, erodes both these cornerstones.

"Not only that, but the Attorney General has admitted publicly that this bill is going to be challenged. Why push through legislation that is vulnerable to both the charter and the Constitution? Defending such a challenge will cost Ontario taxpayers millions—which we can ill afford—and if it is overturned, you may have to return the revenue. And we'll be stuck with a pile of \$80,000 photo-radar boxes with no residual value.

"Please scrap Bill 47, sections 1 and 2. This is bad law, and nothing better than a hidden tax. Removing the demerit points traditionally attached to speeding offences proves this conclusively. Besides eroding our traditional rights by invoking the Napoleonic Code, please recognize that photo-radar has been thrown out of many jurisdictions as a dysfunctional headache. Units have been destroyed by shotgun blasts. Officers have had to be deployed to guard photo-radar installations. Bottom line, Ontario drivers won't accept this. Please don't force them to become scofflaws or, even worse, vandals or criminals. Develop a backbone and stand up for what's right and proper.

"If you need additional revenue, consider this: Expand the existing motor vehicle inspection program. Make it mandatory for all vehicles that are three years old or older to undergo an annual inspection. Charge \$100 a time. Fine fraudulent mechanics \$1,000 per offence, and take away their permit to perform the inspections. This will remove a lot of unsafe, unfit or marginal vehicles from our roads, reduce pollution, produce hundreds if not thousands of jobs, improve everyone's safety, and will drive car and truck sales up. And that sector, don't forget, is the number one industry in Ontario.

"As the Minister of Transportation, you have a responsibility to improve roads, drivers and related safety issues. Leave taxation to the Minister of Finance."

That letter by Mr M.J. Elston from Penrose Road in my riding I think says it all. It's a very articulate response to the proposal by the Minister of Transportation.

I would urge all members of this House to stand up for our individual rights and freedoms and to vote against this very intrusive legislation.

Mr Turnbull: Briefly, this has been a time-allocated bill in which the government, after four days and 20 minutes, closed down debate on second reading, which is the substantive debate of the bill. They put it into committee. The minister, when questioned as to whether there would be any public hearings, said yes in this House. There were no public hearings. There were actually two days that they allocated to this. How he can be allowed to make a statement in this House without censure of the fact that there have been no public hearings is completely beyond me.

When this government was elected, Bob Rae said that this was going to be a different government, that it was going to be a government which would consult the people and would be open. There have been no public consultations on this.

In my own office I have received to date about 325 phone calls, letters and faxes. Minister, there have been five of them in support of your legislation—five out of 325.

You would have learned this if there had been any public debate, but you did not allow any public debate. You rammed it through the House. You brought it in just a few weeks ago. It's amazing that it's taken you over two years of my urging for you to come forward with graduated licences, which is a good safety measure you're going through at the moment. Yet with my urging, after two years, you're finally getting down to it. This you're ramming through in a matter of weeks with no public hearings.

I will remind you that we had two weeks of public hearings on graduated licenses. Why are we not getting the courtesy in this to allow the voters of this province to be able to comment on whether they accept your law?

I've stated over and over again that this is a tax grab, and the minister says "No, that's not true." In repeated debate, I've pointed out both in second reading and in clause-by-clause and in questions to the minister that if this is not a tax grab—it's quite easy—he can prove it by dedicating all of the additional revenues that will be created by this to safety-related matters for the police. The minister has talked about everything else and we all know he's a very eloquent fellow, but he has studiously ignored that challenge. I was very interested to see that the Ottawa Citizen took up that and pointed out the fact that you have studiously ignored my challenge on that.

Let's just talk to the question of the ticket going to the owner of the car as opposed to the driver. There's a serious impact on the owner when that happens. There are auto rental companies which cannot afford that. In fully 40% of all of the parking tickets that are accrued by rented cars in this province the driver of that vehicle never pays the ticket. That's an average \$25 ticket. Minister, you know that the average ticket here is going to be about \$100. What chance do you think they're going to be able to collect a \$100 ticket when they can't get 40% of the tickets which are \$25?

Minister, let me tell you that the average automobile rented in this province is \$35 a day. All you are going to do is you're going to force up the cost of rental cars and everybody, the innocent drivers who have nothing to do

with speeding, is going to end up paying that ticket.

There is a solution and I've offered it to you because every debate I've ever joined I have always offered you solutions and constructive criticism. I have said that you should adopt the model which is used down in Arizona where the deposition can be made as to who the driver was. You have studiously ignored that question.

There are very clear ways of making this horrible piece of legislation at least a little bit better, but you don't want to because it is a tax grab; it is a licence to speed. The affluent will not be affected by this legislation, but you are not interested in that. You are going to hurt most severely the people whom you have always said, as a party, you are there to support. You've had all kinds of expressions over the years. It used to be "the little people"; then that wasn't a very nice expression and we became more politically correct: "downtrodden," whatever you want. Let me tell you, the poor people of this province are going to be more disadvantaged by this legislation than the affluent.

Why don't you have a system which ensures that there's true safety on our roads? The 85th percentile of people doing on average above the speed limit: Perhaps you should be looking at the speed limits and adjusting them accordingly and then having very strict regulation of those people who go beyond the 85th percentile speed. The thing that kills is not speed in absolute terms; it is inappropriate speed, speed which is much faster than the road speed. If the road speed is 115 kilometres an hour in a 100-kilometre-posted area and you have somebody who's doing 135 kilometres an hour, that is the danger; people who are making very rapid lane changes—these are the causes of accidents and we must root them out. It's essential. I agree with the minister when he says that we should make Ontario the safest place in the world to drive, but this legislation is not doing it. It is a tax grab, you know quite well, and that's why you've ignored those challenges.

You've spoken to the fact that this is a pilot project. What a load of hooey. Anybody who cares to read through this legislation will see no sunset legislation and will see no clause requiring that this legislation be thoroughly reviewed after six months.

I tried in the committee, in those two short days that we had in the committee, to bring forward amendments which were constructive, and I brought forward a preamble to this legislation which would require that after a six-month test this should be referred back to the committee for review and public discussion. But no, you wouldn't accept that.

1620

These were constructive ways that we suggested that you could make this bad legislation better. But you haven't allowed that.

There was a certain humour, I must say, when I saw one of the government's own amendments ruled out of order. I'm not quite sure what they're going to do since there's no committee of the whole on this, because you used time allocation.

In the end, in third reading, the opposition parties are

getting a total of less than one hour between the two of them to comment on this. This is bad legislation. The public want to speak out against it and you've gagged them.

The privacy commissioner has spoken to the fact that he has great troubles with this legislation. It has been called draconian; in fact, some people have suggested it's Orwellian, bringing in cameras, faceless cameras, to take pictures of people.

The minister pulls a face. Let me say, Minister, if this were truly a safety matter, you would have accepted my amendment that said that we would at least get the tickets out within 48 hours and we allow one week for delivery to be deemed on those tickets. There was a chance that the driver might have been able to remember where and who was driving that car at the time.

But like everything else that the opposition parties bring to this government, which said it was going to be an open government, it absolutely votes down every amendment that the opposition parties bring because you do not believe that there is one ounce of decency or consideration in the opposition parties. That is why you're going downhill so rapidly.

The time to turn tickets around is a very serious matter; also the question of the fact that there will undoubtedly be challenges under the charter. The Attorney General has admitted to the fact and this is going to cost the taxpayers big dollars to fight this. The suggestion is, "Well, in Alberta the courts have ruled them out of order."

Minister, let me tell you, it doesn't matter what happens in another administration; it's going to be challenged here. The fact that they haven't in Alberta so far taken them up to the high court doesn't mean it isn't going to happen, and it is a very expensive affair.

When your own privacy commissioner has concerns about it, I think you should at least have pause for concern on this. But no, you're barrelling ahead. Instead of saying, "Okay, we recognize that this is somewhat controversial and we will send it out to a committee where the public can have input on it," you're ashamed. You know what you're doing. That's why you don't want this to see the light of day. Well, Minister, we're tracking this.

I want to tell you what one of the constituents has to say. This gentleman is the manager of a business which will be affected by this.

"The proposed speeding-ticket system for Ontario highways by automated machines may force myself and other small car rental operators to discontinue business due to government legislation.

"Our firm would be fined without right to prove we drove the vehicle; also, without recourse to collect from our customer because of the length of time associated with the processing of the fines.

"As you could see our dilemma, we could very easily go out of business paying tickets of \$100 when we can only charge \$30 to \$40 per day for car rentals.

"If we fail to collect from the customer and do not pay the fines, the province will not renew our yearly plates."

Because of time allocation on this bill, I would like to put an awful lot more on the record. But I am on the record in second reading and in clause-by-clause.

I am going to close by saying that, Minister, you have failed to respond to the challenges that I have made to you to improve this legislation. I would not like the legislation, but I would say it would be a lot more palatable. But you have absolutely studiously ignored those things. You have gagged the public from commenting on it.

You will be judged in the final court of appeal, and that is called the next election, because all of the people who are communicating with me are saying, "This is wrong."

Mr Conway: I'd like to take a few moments on third reading to reiterate once again my basic and profound objection to Bill 47, or at least those portions of it that concern themselves with photo-radar.

Let me say again what I've said before, and that is that I agree with all honourable members that there is a speeding problem on the highways of Ontario. I don't think there's anyone here who will take issue with that observation and I think we would all want to agree with the honourable minister that particularly on our major highways—401, 400, 403, 417 in my part of the province—there is a speeding problem that is not helping the safety of motorists and bystanders across the province.

The question for me is, does this means—Bill 47 and photo-radar in particular—justify the end we want to reach in this connection, which is moderating and reducing the speeding on the highways of Ontario? My strongly held view is that this means, photo-radar, is an excessive means in terms of the policy objective that we all share.

There is too often in the debate today, particularly when there is a healthy dose of moralism injected into it, a tendency that if the end is meritorious, then any means can be justified in support of that end. When I heard my friend the minister going on about how he didn't want to have blood on his hands by not supporting photo-radar, he reminded me of the debates we've had on other subjects.

You know, it's about 100 years ago when we were debating in this Legislature Prohibition, of alcoholic beverages in particular, and how drink was the root of all evil. When I listened to my friend opposite, I asked one of the pages to go to the library and get a wonderful article written by Professor Decarie in the publication *Oliver Mowat's Ontario*, published about 15 years ago. There's a wonderful article in that collection called "Something Old, Something New: Aspects of Prohibitionism in Ontario in the 1890s."

When I listened to the minister go on with the moralistic reasons for supporting this—that speeding was terrible, that it was killing all kinds of people on our highways and that photo-radar was absolutely essential in curbing this evil—I was reminded of some of the literature of the Prohibition movement of decades ago. Professor Decarie has one item in this that came to mind as I listened to the minister's speech of a few moments ago.

From the prohibitionist literature of an earlier time in Ontario, there was the following song, *Father's a Drunkard and Mother is Dead*. Let me just quote part of that literature:

We were so happy till father drank rum,
Then all our sorrow and trouble begun;
Mother grew paler and wept every day,
Baby and I were too hungry to play.
Slowly they faded, and one summer's night,
Found their dead faces all silent and white;
Then with big tears slowly dropping, I said,
"Father's a drunkard and Mother is dead!"

That's the kind of sentimentality and moralism that the minister was descending to a moment ago when he suggested that if we didn't endorse photo-radar as a means to the end of curbing speeding on our highways, we would somehow all have blood on our hands and he would have no part of that.

I want to say that I think the legacy of the honourable member from Lake Nipigon as Minister of Transportation for Ontario will be the legacy of photo-radar, and years from now, when all of the rest of his time in public life has faded away, he will be remembered as Polaroid Pouliot. That will be his legacy. I want to say to him and to the House that I don't think that is a legacy that will become him.

I have to say again that the minister advances this initiative as a safety initiative, and it is not in my view that, for a variety of reasons. I say to him that with the introduction of photo-radar we are going to have the bizarre situation where under the same Ontario Highway Traffic Act there will be differential penalties for the same offence.

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If one person in the province is tagged with photo-radar for a violation of, let's say, 25 kilometres over the legal speed limit, that person will pay the fine at 25 kilometres over the limit and there will be no other consequence. Another individual who is fined by a police officer for 25 kilometres over the speed limit will not only get the fine but will get demerit points and will undoubtedly have consequences down the line on his or her insurance.

I say to the Speaker and to the House, it is not a good situation for us as legislators to contemplate public policy where under the same statute in the same province for the exact same offence there are differential penalties or there are, rather, different penalties. I think that's not healthy.

I say to my friends opposite and to anybody watching that, as someone who drives about 85,000 to 90,000 kilometres a year, I know what it is that will change and has changed my behaviour on the highways of Ontario, and more than anything else it is the prospect of receiving demerit points. I believe that more than anything else is what causes the behaviour modification that we all want and we will need to bring speeding down. Photo-radar will not provide an opportunity for the minister or for the police officers to impose demerit points. Without demerit points, I don't believe there is going to be the

kind of change in attitude that we will have to have to slow people down.

I want to say as well that in this climate where people are increasingly upset about taxation, about big government intruding into the private lives of individuals, and often intruding by virtue of means and mechanisms that are viewed as unfair and unreasonable, I think photo-radar is going to trigger a fire-storm of objection when it becomes the law of the land, as it apparently will in a few hours' time.

When individuals receive, weeks after an incident, an anonymous notice in the mail from Her Majesty in right of the province of Ontario requiring that they pay, as the owner of a car that was monitored with this electronic device known as photo-radar, when the owner of the car who may not have been driving the car receives a notice in the mail, weeks afterwards, that a fine of \$150 or \$240 is due and payable to the Treasurer of Ontario, I think there is going to be from Perth to Pembroke, from Timmins to Thunder Bay, a fire-storm of objection.

Mr Drummond White (Durham Centre): There's no 400 series highways in that area.

Mr Conway: If you think for one minute that photo-radar is going to be kept to the 400 series, my friends, you are dreaming in Technicolor.

Mr Charles Harnick (Willowdale): And it hardly justifies the bill.

Mr Conway: I agree with the member for Willowdale, it hardly justifies the bill. When I look at the objections that have been raised by my constituents, and I have a pile of mail—

Interjection: You encouraged it.

Mr Conway: I did not encourage it. He's probably watching; you know, my father out there thinks—

Interjection.

Mr Conway: Actually, my father—

Hon Mr Pouliot: He is going to bring the—

Mr Conway: No. If you'd just be quiet, let me just say my father happens to agree with the minister and not with me.

I just want to tell you that I haven't cooked these books. I have got a mittful of constituency mail from places like Deep River and Douglas and Pembroke and Killaloe which says that in the main, my constituents are not very supportive, because these people I represent see this as a revenue grab.

Now, the minister says, "Well, Conway drives a lot, and I hear that he has on occasion run afoul of the Highway Traffic Act," and he's right.

Hon Mr Pouliot: I have never said that.

Mr Conway: I admit that from time to time I have received a penalty under the Highway Traffic Act. I will admit, not happily, that I have been summoned on at least two occasions to appear at the driver test centre to give cause as to why I should keep my licence. I'm not happy about that and I'm not very proud about that, but I will tell you that when you drive 80,000 to 90,000 kilometres a year, it can happen. That doesn't justify it.

But let me say on the basis of my own experience—I want to make this very clear as I conclude my remarks—I live on the highways of Ontario. Nobody, I suspect, drives more than I do. I know something about what it is that concerns the minister and the department and the government, and they are right to have the concern.

But I'm telling you that I do not believe photo-radar is going to address that concern, nor do I think it is going to occasion the behaviour modification we must have to address the problem. I know from personal experience that what has changed my attitude, what has changed my behaviour more than anything else, was the assignment of demerit points and insurance rates that went up exponentially as a result of too many of those demerit points.

Hon Mr Pouliot: Money's no problem with you, so—

Mr Conway: Money is a problem for all taxpayers in Ontario today, particularly those of us who are seeing our disposable incomes going down, and I am one of the very well-off people in my constituency because I have a job. Many, many people I represent do not have a job or do not have a full-time job.

I say, in conclusion, there is a speeding problem, no doubt about that. Curbing the excessive speeding on the highways of Ontario is a justifiable concern and it is a worthwhile end to focus our collective attention upon. But this means, this photo-radar legislation, is an unwarranted and an excessive response in that connection. The end, namely, speeding, does not justify the means that are photo-radar, and it is primarily on that philosophical ground that I lodge my complaint and why later this afternoon I will be proudly voting against photo-radar.

Mr David Johnson (Don Mills): The minister has indicated in his presentation that photo-radar is not a tax grab. He's not concerned about the money; he's only concerned about safety on the roads in the province of Ontario. Money is furthest from his mind.

Yet we have an official publication from the province of Ontario, published by Management Board Secretariat, dated November 19, 1993, a very recent publication, and there's a senior staff member from the Ministry of Natural Resources who says:

"In fact, in years past, when ministries came forward with ideas for producing fresh funds for government, they often 'got a cool reception....'

"That's all changed. Treasury board has a new attitude—it's very receptive to non-tax revenue products, any time of the year, day or night."

He goes on to say that a good example is the introduction of the photo-radar system, a tax grab—the government's own publication.

So who do you believe? The minister says: "This is not an invasion of privacy. This is not Orwellian. Don't be concerned about this. This is no problem." Yet we have a publication from the Information and Privacy Commissioner for the province of Ontario. The privacy commissioner says,

"When the use of photo-radar infringes upon the privacy of those who are not subject of the law enforcement matter in question, we feel that this is entirely unjustified."

He has grave concerns about the use of photo-radar. He does not support it. So who do we believe? Do we believe the minister? Do we believe the commissioner for information and privacy?

The minister says, again, that photo-radar is introduced only for safety in the province of Ontario, yet photo-radar does not address drinking and driving, does not address accidents caused by lane-changing, accidents caused by following too closely and many other accidents.

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I quote another source. I quote from the Toronto Star, the automotive journalist, Jim Kenzie, November 6, 1993, and he says, "What has been proven time and again is that the only value in stopping speeders is that you occasionally nab drunks or licence-suspended drivers in the same net." The minister says one thing and the automotive journalist says another thing. Who do we believe?

The minister says that this photo-radar is only for the guilty, only for those speeders, those people who whiz by at 150 kilometres or 160 kilometres per hour. Those are the people it will catch. But yet at the committee meetings the superintendent for the Ontario Provincial Police says not so, that they will calibrate these machines and these machines will catch the top 15 percentile of those who are driving at any given time. The top 15 could be 110 kilometres per hour in a 100-kilometre zone or it could be 105 kilometres per hour. We don't know who it's going to catch. It's not just going to catch those who are driving 150 or 160, so who do we believe?

Finally, the minister says that if we do not support his legislation we'll have blood on our hands, that accidents will be out of control. Yet what does the OPP superintendent tell us at our committee meeting? He said that accidents are down in the province of Ontario. What does the annual report of the Metropolitan Toronto Police Force say? It says that over the last five years, the accident rate is down 20% within Metropolitan Toronto alone, that over the last five years the number of persons injured in Metropolitan Toronto is down over 44%. So what is the purpose of this legislation? It is to generate revenue for the province of Ontario.

Mr Hans Daigeler (Nepean): Since I have only a few minutes left, I will concentrate on an item that perhaps is the most important. I think that item is that while the minister may have good intentions, the public sees this initiative of photo-radar as way too intrusive, as not in relationship to the objectives the minister has set for himself.

If there were a clear indication that yes, this measure will save lives, that it will reduce accidents significantly, perhaps the public would be more convinced of it. But frankly, I have asked for something in writing at the two days of committee hearings that we've had. I must remind you that these were not public hearings; these were hearings only for the members of this Legislature. There was no opportunity for the public to question us, to make its views known to the Legislature.

At these two days that we've had for members of this Legislature to look in more detail at the bill, I said to the

officials from the ministry—because the minister himself was not present and we keep telling him that perhaps he should come to the committee himself one time; perhaps he'll listen to it—that there were not facts and figures provided to us that showed that, according to the minister and the ministry and his officials in other jurisdictions, this measure clearly and obviously had a relationship between reducing accidents and taking your picture speeding. Frankly, that's the issue.

There was an excellent, outstanding editorial in Saturday's *Globe and Mail*, and the *Globe and Mail* surely is not known as being an overly liberal paper. The *Globe and Mail* said in a long article that this measure simply goes too far, that the state here is taking upon itself limitations and restrictions, and that putting them on individuals is not the role of the state.

I think that is really the issue here. People out there, and we as Liberals, are ready to accept some limitations, some restrictions on our individual freedoms. On the graduated licences, we are putting that same argument forward. We're supporting the minister, but with this measure, as the *Globe and Mail* says, the state, the government, has gone too far.

I think it's very worthwhile to quote at least a little bit from this article, because it spells out very well the public's mood on this. After all, we are in a democracy. We are in a free country where we try as much as possible to limit the powers of the state. Only where absolutely necessary will we let the state and the government and the police enforce limitations on ourselves. The *Globe* is arguing here, as many other people have argued who have written to me and to other members of the House, that there's no relationship between the limitations of this measure and what it's actually trying to achieve.

Here's what the *Globe* says:

"To say that even minor invasions of privacy are worth taking seriously is not to suggest their absolute rejection in all cases and in all places. We would locate them rather on a scale of repugnance, depending on how intrusive the surveillance."

Later on, the *Globe* says:

"Once accustomed to these indignities"—such as photo-radar—"a people begins to lose a sense of its rightful prerogatives against the state. And so it will be that much less vigilant when the next such incursion comes along. What we find outrageous, after all, is a function of the norm. When the norm is itself outrageous, how can outrage find expression?"

This is perhaps a little bit difficult, the way this is expressed, but I think when you take the time, Minister, and I hope you do take the time to take a look at this article, you will realize why, to your surprise, the public has become so concerned and so anxious and why we in the opposition are voicing the public's concern about this matter.

I'm sure when the minister first announced this initiative, he did not expect that there was going to be such objection to this bill, but the minister now realizes that he has touched a very raw nerve, because people are sick and tired, frankly, of the government always being

after them, controlling their lives and intruding in their private business. Only under extreme circumstances are they willing to accept these limitations and are they willing to accept being photographed. People are very, very sensitive about their privacy and they're particularly sensitive about this photograph, because it isn't even necessarily the speeder but the owner of the car who's going to get the ticket. The picture is going to be taken of the licence plate. That only identifies the owner and not the driver.

That's the other concern people have. They said to me and they said to members of this Legislature: "Okay, if the speeder were the one who was going to get the ticket, perhaps fine, but there's no guarantee whatsoever that it goes to the speeder. The ticket and the very substantive fee and fine will go to the owner."

The insurance industry also has clearly indicated that while you may not get demerit points, because you can't identify the driver, it will record on the driving record and it will count towards your possibility of getting renewed insurance. I think that is a big concern. In fact, one of the constituents of one of my colleagues in Ottawa just called in to his office trying to find out how this is going to affect his trucking business, because he owns a truck and his wife also drives the truck. If she has a speeding ticket, is that going to influence his ability to get insurance? So some of these questions, all of them, are of extreme concern and I just again want to put them on the record.

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Mrs Marland: I stand in the House today to voice my absolute opposition to Bill 47, the photo-radar cash grab of Bob Rae's socialist government. Really what this is is simply legislation for speeding cars. It does absolutely nothing to improve safety on the highways.

In fact, I was very disappointed to hear the minister talk about the fact that speeding cars leave dead people in their trail. In fact, there are many incidents where that is true, but getting a ticket two months later in the mail is going to do nothing to remedy the death and the carnage on the highway. It is no deterrent to speeding; in fact, it is simply a system that gives an opportunity for people who can afford it to speed. It's really a law for the rich versus the poor, which I would suggest is completely in opposition to the usual ideology of this particular socialist government.

There are no points awarded against the owner or the driver of that vehicle. There is no penalty whatsoever. It is simply money. How can that prevent death? The fact is that the bloodletting will continue. It will be a bureaucratic nightmare to administer.

The minister mentioned Australia and New Zealand. Would that we could have the courage in this province to do what Australia and New Zealand do about drunk driving, where on their first convictions they lose their licence for life. Those are the kinds of things we should be talking about.

When the Solicitor General says we do not know anything about law and order, I say simply to the Solicitor General, we do know a lot about law and order. We

know that simply taking a photograph of a speeding car will do nothing to deter those people who can afford to speed, be impaired and never get pulled off the highway because nobody will know they're drunk drivers.

I say again, this is strictly a cash grab of this government and it is totally ineffectual in terms of improving safety on the highway.

Mr Villeneuve: In the very few moments that are allowed under limited debate, I want to bring to the minister's attention the fact that, first of all, my constituents are not at all, in any way, shape or form, happy with photo-radar and the encroachment on their privacy.

What I find most upsetting is that I had a school bus driver come to me and say: "A car passed me on the right as the flashing lights were on the bus. Had the door been opened half a second sooner, two students would've been killed." The school bus driver had the licence number and reported it to the police. What did the police do? The police simply told him that unless you have the driver of that car, the police can do nothing. Yet they're changing the law here to initiate a situation where the car will be guilty. That's an absolutely unbelievable situation.

Secondly, the minister talks about safety. Do you know what's happening in the way of safety out in rural eastern Ontario, particularly in Stormont, Dundas and Glengarry? We're down to one inspector with the Ministry of Transportation to do the inspections on more than 400 school vehicles that used to be inspected, every one of them, annually. We're now doing maybe 50% and very few safety inspections done on the highway by the same ministry that tells us that, for safety's sake, it will take a photograph of your licence, mail you a ticket, a summons and say: "You happen to own this car; therefore you owe us X number of dollars. You were going over the limit," instead of looking at school vehicles, 400-plus of them in S-D-G with only one inspector by the Ministry of Transportation.

That would be safety. You're letting it slip away. Will some of this money that you recoup put some of your people back on the job? I don't think so. It's a money grab, with the only excuse being safety. We have many areas of safety, particularly in school vehicles; 20,000 school children travel on those buses in S-D-G an average of 107 kilometres a day. No one's inspecting them. That's where safety should begin.

Mr Harnick: If this bill is in the name of safety, I can't understand for the life of me how you're making highways safer if you're not stopping drivers who are speeding at the time that the speeding is being committed. I can't for the life of me understand how highways are safer when people are allowed to continue to speed and they might get the summons six weeks later. Nobody pulls them over. Nobody tells them to slow down. That's the first aspect of this bill.

The second aspect of this bill is, if it's all in the name of safety, why are the fines that are being collected not going into making our highways safer? Where is the money going? It's going into general revenue to be spent on a million and one other things but not on highway safety. That's the second aspect.

I don't think quite frankly that the protection of privacy is an issue that is going to destroy this bill. That, in many respects, is a canard, because it's all being done in the name of safety, except no one is stopping the driver who's speeding. That is the carnage that the minister who doesn't want to have blood on his hands is dealing with. No one is stopping the driver at the time the danger is occurring. The person is getting a ticket six or eight weeks later and won't even remember where it was that he was speeding.

The purpose of keeping cars going slow is to slow them down to avoid an accident at the time. That's why we have police cruisers out there. That's why we have radar. That's why police are visible on our highways, to keep traffic under control and to keep traffic moving slowly to prevent accidents.

The minister has not adequately answered the queries the people have. He continues to say: "It's only 400 series highways. Don't worry about it. It's only money. Don't worry about it." Well, Minister, lives are at stake, and this bill is a poor excuse to try to save them.

Mr Stockwell: Well said. This frustrates me to no end, this piece of legislation.

Mr George Mammoliti (Yorkview): Everything frustrates you.

Mr Stockwell: Well, some things frustrate me but this really frustrates me. To sit across the floor from a minister crying about the lives that are lost on the highways when it's nothing but a ruse to collect more tax dollars from the beleaguered taxpayers of this province just leaves me cold. It's just so plain. The motive here is so transparent, it's a pane of glass.

If you were going to save lives, why was this money not earmarked back to roads, road safety and police? If you really wanted to save lives, if you wanted to get drunk drivers off the road, if you wanted to slow speeders down, why did you not make the ticket applicable to who was driving? Why would you not do that? Then you could apply the point system to the person who was driving the car, to ensure that these people would have the most painful experience of all, not just paying the fine but getting points, having points lost on their licence, thereby potentially losing their licence.

Mr David Tilson (Dufferin-Peel): Or going to court.

Mr Stockwell: Or going to court, for that matter. It's so transparent and hollow and clear that this government is so pained to find sources of revenue, it uses this. They dupe this minister to stand up in public and talk about blood on his hands if you don't support this piece of legislation. The blood is not on your hands if you don't support it, Minister; the blood is on your hands because you're not spending money on cops: cops in Metropolitan Toronto who are down by 350 police; in rural Ontario across this province, fewer police officers; stations that were operating for years and years are now being closed down, where police used to be.

Those are the kinds of things that stop the carnage on the roads of this province, not some \$80,000 camera that you set up on some highway, snapping pictures of people going by, potentially doing 92 in an 80-kilometre zone.

Are these the criminals we're trying to catch? Are these the people whom we are trying to throw in jail and claim they're speeding?

Interjection: Calm down.

Mr Stockwell: The members across say, "Calm down." I can't calm down. The people don't have the money to pay these stupid tax grabs. They're broke. When you get somebody who is doing 90 kilometres in 80, who wasn't speeding, wasn't causing any problems, and you send him or her a ticket, think to yourself, that money comes out of the money they use to buy food, to pay their mortgage, to buy shoes for their kids, so that you can prop up your dollars and not save one life.

Yes, I'm mad. There's going to be a lot of people mad when they get these tickets in the mail from this government. They're going to be ripped off for more money, all in the name of public safety. What a bunch of bunk, public safety, money to be put into general revenue, and I'm not going to stand for it.

Interjections.

Mr Stockwell: I say to the member opposite who used to be in cabinet, don't tell me to calm down. I can't stay calm. The taxpayers can't stay calm. The drivers of this province can't stay calm. I would beg this government, rather than introduce more of this crazy legislation, call an election and let the people decide.

The Deputy Speaker: I will now apply the instructions published in the proceedings of November 16.

Mr Pouliot has moved third reading of Bill 47, An Act to amend certain Acts in respect of the Administration of Justice.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

The division bells rang from 1701 to 1706.

The Acting Speaker (Ms Margaret H. Harrington): Order. Would members please take their seats.

Mr Pouliot has moved third reading of Bill 47, An Act to amend certain Acts in respect of the Administration of Justice.

All those in favour of the motion will please rise one at a time.

Ayes

Abel, Akande, Allen, Bisson, Boyd, Buchanan, Carter, Charlton, Christopherson, Churley, Cooper, Coppen, Duignan, Farnan, Ferguson, Fletcher, Frankford, Grier, Haack, Hampton, Hansen, Haslam, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Lankin, Laughren, Mackenzie;

Mammoliti, Marchese, Martel, Martin, Mathysen, Mills, Murdock (Sudbury), O'Connor, Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Pouliot, Rae, Rizzo, Silipo, Sutherland, Swarbrick, Ward, Waters, Wessinger, White, Wildman, Wilson (Kingston and The Islands), Wilson (Frontenac-Addington), Winninger, Wiseman, Wood, Ziemba.

The Acting Speaker: Order. All those opposed will please rise one at a time.

Nays

Arnott, Beer, Bradley, Brown, Carr, Chiarelli, Cleary, Conway, Cunningham, Daigeler, Eddy, Eves, Grandmaître, Harnick, Henderson, Johnson (Don Mills), Jordan, Mahoney, Marland, McLean, Morrow, Murdoch (Grey-Owen Sound), North, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Phillips (Scarborough-Agincourt), Poirier, Poole, Ramsay, Runciman, Ruprecht, Sola, Sterling, Stockwell, Sullivan, Tilson, Turnbull, Villeneuve, Wilson (Simcoe West), Witmer.

The Acting Speaker: The ayes being 59, the nays being 41, I declare this motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

Report continues in volume B.

**LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Constituency/Circonscription	Member/Député(e)	Party/Parti	Other responsibilities/Autres responsabilités
Algoma	Wildman, Hon/L'hon Bud	ND	Minister of Environment and Energy, minister responsible for native affairs / ministre de l'Environnement et de l'Énergie, ministre délégué aux Affaires autochtones
Algoma-Manitoulin	Brown, Michael A.	L	
Beaches-Woodbine	Lankin, Hon/L'hon Frances	ND	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Brampton North/-Nord	McClelland, Carman	L	
Brampton South/-Sud	Callahan, Robert V.	L	
Brant-Haldimand	Eddy, Ron	L	
Brantford	Ward, Hon/L'hon Brad	ND	Minister without Portfolio, Ministry of Finance / ministre sans portefeuille, ministère des Finances
Bruce	Elston, Murray J.	L	
Burlington South/-Sud	Jackson, Cameron	PC	
Cambridge	Farnan, Hon/L'hon Mike	ND	Minister without Portfolio, Ministry of Education and Training / ministre sans portefeuille, ministère de l'Éducation et de la Formation
Carleton	Sterling, Norman W.	PC	
Carleton East/-Est	Morin, Gilles E.	L	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la chambre et Président du Comité plénier de l'Assemblée législative
Chatham-Kent	Hope, Randy R.	ND	
Cochrane North/-Nord	Wood, Len	ND	
Cochrane South/-Sud	Bisson, Gilles	ND	
Cornwall	Cleary, John C.	L	
Don Mills	Johnson, David	PC	
Dovercourt	Silipe, Hon/L'hon Tony	ND	Minister of Community and Social Services / ministre des Services sociaux et communautaires
Downsview	Perruzza, Anthony	ND	
Dufferin-Peel	Tilson, David	PC	
Durham Centre/-Centre	White, Drummond	ND	
Durham East/-Est	Mills, Gord	ND	
Durham West/-Ouest	Wiseman, Jim	ND	
Durham-York	O'Connor, Larry	ND	
Eglinton	Poole, Dianne	L	
Elgin	North, Peter	Ind	
Essex-Kent	Hayes, Pat	ND	
Essex South/-Sud	Vacant		
Etobicoke-Humber	Henderson, D. James	L	
Etobicoke-Lakeshore	Grier, Hon/L'hon Ruth A.	ND	Minister of Health / ministre de la Santé
Etobicoke-Rexdale	Philip, Hon/L'hon Ed	ND	Minister of Municipal Affairs, minister responsible for the office for the greater Toronto area / ministré des Affaires municipales, ministre responsable du Bureau de la région du grand Toronto
Etobicoke West/-Ouest	Stockwell, Chris	PC	
Fort William	McLeod, Lyn	L	Leader of the Opposition / chef de l'opposition
Fort York	Marchese, Rosario	ND	
Frontenac-Addington	Wilson, Hon/L'hon Fred	ND	Minister without Portfolio and chief government whip / ministre sans portefeuille et whip en chef du gouvernement
Grey-Owen Sound	Murdoch, Bill	PC	
Guelph	Fletcher, Derek	ND	
Halton Centre/-Centre	Sullivan, Barbara	L	
Halton North/-Nord	Duignan, Noel	ND	
Hamilton Centre/-Centre	Christopherson, Hon/L'hon David	ND	Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Hamilton East/-Est	Mackenzie, Hon/L'hon Bob	ND	Minister of Labour / ministre du Travail

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Kitchener	Ferguson, Will	Ind	
Kitchener-Wilmot	Cooper, Mike	ND	
Lake Nipigon/Lac-Nipigon	Pouliot, Hon/L'hon Gilles	ND	Minister of Transportation, minister responsible for francophone affairs / ministre des Transports, ministre délégué aux Affaires francophones
Lambton	MacKinnon, Ellen	ND	
Lanark-Renfrew	Jordan, W. Leo	PC	
Lawrence	Cordiano, Joseph	L	
Leeds-Grenville	Runciman, Robert W.	PC	
Lincoln	Hansen, Ron	ND	
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London South/-Sud	Winniger, David	ND	
Markham	Cousens, W. Donald	PC	
Middlesex	Mathysen, Irene	ND	
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Monday 13 December 1993

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Lundi 13 décembre 1993

Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers



Président
L'honorable David Warner

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Monday 13 December 1993

Report continued from volume A.

1710

REGULATED HEALTH PROFESSIONS
AMENDMENT ACT, 1993LOI DE 1993 MODIFIANT LA LOI
SUR LES PROFESSIONS DE LA SANTÉ
RÉGLEMENTÉES

Mrs Grier moved third reading of Bill 100, An Act to amend the Regulated Health Professions Act, 1991 / *Projet de loi 100, Loi modifiant la Loi de 1991 sur les professions de la santé réglementées.*

Hon Ruth Grier (Minister of Health): Bill 100 is an amendment to the Regulated Health Professions Act. It is an amendment that deals with the issue of sexual abuse of patients by health professionals. With third reading and proclamation of this bill, a total of 24 self-regulating health professions in Ontario will be required to deal in a consistent way with patient allegations of sexual abuse and misconduct.

With the passage of this legislation, we will be in a position to proclaim the Regulated Health Professions Act, which covers 24 regulated health professions and creates a total of 21 professional regulatory bodies.

This legislation is ground-breaking in that it brings together for the first time the regulations for a large number of professions. It includes new professional bodies for a number of professions, including midwifery. As I have noted with enthusiasm elsewhere, commencing in January 1994, the women of Ontario will have a choice of midwifery care as the primary health care for a normal pregnancy and childbirth and post-partum period.

There are other choices and very important aspects of the Regulated Health Professions Act, and they include greater public choice generally in the selection and provision of health services; more accountability on the part of the professional colleges, which are self-regulatory governing bodies; more public participation on the college councils; and much greater sensitivity and respect for consumers, which is a fundamental principle written into the RHPA legislation.

It is very important that as we proclaim that piece of legislation we also make it very clear that in Ontario sexual abuse of patients by professionals is not tolerated. That is what Bill 100 will do.

The Acting Speaker (Ms Margaret H. Harrington): Order. Excuse me. I would ask the members to please carry on conversations elsewhere. I would like to be able to hear the minister.

Hon Mrs Grier: I regret, quite frankly, that there isn't a greater level of interest in this piece of legislation, which has had a great deal of discussion and which has had, before the standing committee over the last two or three weeks, countless members of the public as well as the professions come in to express their interest and their determination that we proceed with this kind of legislation.

When the government tabled Bill 100 a little more than a year ago, we set the goal of having this law, the first such law of its kind in Canada, in place by the end of 1993. With passage today, we will achieve that goal.

We are setting a benchmark for jurisdictions around the world. This is a tough piece of legislation, but it's a fair law and a workable law. It serves the public interest and the public's right to health care that is proper, not damaging.

Just as nowhere else have so many health professions been brought together under one law, as they will be under the Regulated Health Professions Act, so nowhere else have so many health professions been dealt with as severely for the sexual abuse they inflict on their patients as they will be in Ontario.

There have been some who say that with this legislation we are moving too quickly. There are very many others who say that it is time, in fact it is long over time, that we put this piece of legislation in place. For those who have made complaints and who have suffered as a result of actions by professionals, we simply cannot move too quickly to address this issue.

With the passing of Bill 100, health professionals in Ontario are being put on notice that if they abuse their relationship of trust with a patient, the government and their professional college will invoke serious consequences. Sexual abuse of patients by health professionals is completely unacceptable, and Bill 100 makes it clear that it will not be tolerated in Ontario.

The committee heard from a number of survivors of sexual abuse by health professionals and what it heard was both alarming and disturbing. Abuse survivors related experiences that were traumatic and devastating. The committee heard repeatedly from survivors who said that nobody had believed their complaints, that sometimes they began to doubt themselves as they repeated their tales to therapist after therapist. They turned from therapist to therapist because they were not believed, and their partners and their families sometimes may not have believed them, and in some cases even chose to believe the abusing health providers when the providers denied the charges that were being made against them. The survivors felt that the college complaints process often only made matters worse.

Their stories and the likelihood that there are thousands of other stories yet untold demand that we act quickly to have effective safeguards enshrined in legislation. With this law, and specifically with the mandatory reporting requirement in it, we are saying that we believe those who say they were abused.

I want to highlight some of the key areas in the bill.

The act provides for one level of sexual offence called "sexual abuse." That covers sexual relations, touching of a sexual nature, and behaviour or remarks of a sexual nature. The act clarifies that touching, behaviour and remarks that are of a clinical nature appropriate to the service provided do not constitute sexual abuse. That was

one of the many changes that were made in the legislation as a result of the consultations that took place over this summer and also during the hearings before the social development committee.

The penalty for certain acts of sexual abuse, such as intercourse, is the revocation of a professional's certificate of registration for a minimum period of five years and a fine of up to \$35,000. For other acts of sexual abuse, the penalties range from a reprimand to revocation of a certificate of registration and a possible fine.

The bill also requires that any regulated health professional who has reasonable grounds for believing that a colleague has committed a sexual abuse must report it to the appropriate college. Bill 100 makes failure to report a provincial offence. It's vital to stress that the mere reporting of an incident is not tantamount to an assumption of the health professional's guilt. Bill 100 provides for a thorough investigation that must be undertaken by the appropriate professional college to determine if there is enough evidence to proceed to a hearing.

I want to make it clear that while we insist that all sexual abuse, whether it be sexual relations or inappropriate touching or words or behaviour of a sexual nature, must be reported, we believe there should be some flexibility as to how the report is used and how the alleged abuser is dealt with. The standing committee struggled with this issue of flexibility around instances of complaints or reports regarding remarks or behaviour of a sexual nature. There was debate around the provision that came to be known as assessment, remediation and enforcement, and many of the people who presented before the committee addressed this particular issue.

1720

The Acting Speaker: Order, please. I find there are too many conversations.

Hon Mrs Grier: I believe the provision that we now have in the legislation will serve the public interest. It will be up to the colleges, and I want to make this very clear, to make the necessary regulations to take up this new power. It's a new power of remediation in the case of an offence. While colleges are not required to take up the power, it is certainly my hope that they will. The College of Physicians and Surgeons of Ontario, in its submission to the committee, asked us for a workable solution to this issue. We feel that we have achieved that. I want to thank all of the members of the committee and my colleagues in opposition for working around many of the issues that were addressed during the hearings and in helping us to come to solutions to those issues.

This particular provision is a tool that a college may use at its discretion for dealing with a complaint of sexual abuse. In instances of complaints or reports regarding remarks or behaviour of a sexual nature, a college may instruct its quality assurance committee to order a psychological or other assessment of the professional. After receiving the report, the quality assurance committee may require the member to get further education, therapy or counselling.

The act also gives a college the ability to enforce whatever course of action the quality assurance commit-

tee stipulates. This provision will enable colleges to take action in instances where the member could not be brought before the discipline committee; perhaps the patient's name is unrecorded or the evidence is insufficient to enable the case to go to a discipline committee.

I want to emphasize how important it is that the quality assurance committee has the power to enforce the course of action it recommends for the member. Under current laws, it does not have this power and so there has been nothing to stop a member from saying, "Thanks, but no thanks" to the advice given by the quality assurance committee.

The college's quality assurance committee also deals with members who have been accused of being incompetent, whose knowledge, skills or judgement is seen as unsatisfactory. The same powers of enforcement will apply to the committee's recommended course of corrective action for those members.

Bill 100 also requires a professional college that finds a member guilty of sexual abuse to provide the survivor with financial assistance for therapy and counselling. The maximum amount provided will be in the \$10,000 range. Survivors will be free to choose the type of therapy that best meets their needs, regardless of whether or not the therapist is covered by OHIP.

In the past, survivors of sexual abuse have often failed to come forward because they've been intimidated by the professional colleges' disciplinary process. In the course of our consultations, survivors noted that they had virtually no input into how the prosecutor presented the evidence of abuse and that they did not have a voice at the hearing. While they were excluded from the hearing, the accused professional was allowed to be present throughout. The survivors believed, and we support them, that this is quite simply unfair. We recognize that these conditions simply intensified the complainants' feelings of powerlessness.

Bill 100 has been amended to strengthen survivors' rights in this regard. The bill requires the defence at a disciplinary proceeding to provide at least 10 days' notice before the hearing of any expert evidence that it intends to introduce. This provision will allow complainants to prepare an adequate defence and seek advice when required.

Bill 100 also gives college disciplinary committees the power to grant non-party status to complainants whose good character, proper conduct or competence is in question or whose psychiatric history is introduced into evidence. Non-party status will also be extended to groups that can help the discipline committee in its deliberations, with participation ranging from written submissions to cross-examining witnesses.

During the summer, we had a number of sessions with the colleges, with the associations and with the survivors of sexual abuse. These provided us with a great deal of information and constructive advice as to how we could improve this legislation. I was very pleased that both of the critics in the official opposition parties participated and lent us their assistance during those consultations.

I want to again make mention to my colleagues, my

parliamentary assistants who were present during the hearings before the social development committee, that this was not an easy piece of legislation to deal with. The testimony was emotional, the issues were difficult and I think that in crafting this piece of legislation we have collectively and constructively attempted to deal with the issues and provide a balance that will serve well the people of this province and is in the public interest of the people of this province.

I want to remind the members that the bill will be subject to continuing evolution since it will be monitored by the Health Professions Regulatory Advisory Council. The council has the statutory obligation to report to the Minister of Health on Bill 100's overall effectiveness within five years after the legislation comes into effect. But I intend to formally ask the council to report back by July 1994 at the latest so that we can have its advice as to how the bill is dealing with the issues and is proceeding.

With this legislation we have an opportunity in this province to create an environment where everyone feels secure in their right not to be subjected to sexual abuse and, if they are, to the knowledge that they have effective recourse.

I would ask the members to give it speedy third reading so that it will be law by the new year, because with its passage and with the proclamation of the Regulated Health Professions Act we enter a new era in this province, an era when all of those professions have the right of self-regulation but, with it, the responsibility to ensure that they exercise that right in the best interests of the public and, particularly, in the best interests of their patients.

I thank all of those who have participated this far, particularly my parliamentary assistant the member for Simcoe Centre, who has led the discussions through the committee and who has been part of this since its first introduction.

I hope that the debate tonight will lead to passage and a conclusion of some of these issues.

The Acting Speaker: Questions and/or comments? Seeing none, are there other members who wish to debate?

Mrs Barbara Sullivan (Halton Centre): Bill 100 is a bill that deals with an important ethical issue, and that ethical issue is the sexual abuse of patients by health care professionals. It deals with the process of reporting of abuse and the complaints and discipline process within each of the health professions, and it deals with the establishment of a fund to help those who have been abused to receive appropriate treatment.

We have spoken in second reading on the genesis of this bill, and I won't speak again on that history.

I've spoken in this House about the support of all three parties for legislation that is workable, that will assist in solving a problem that doesn't affect a large number of patients but affects those people profoundly.

We've commended the minister for providing money for facilitated group discussions involving the colleges, the professional associations and their support groups, along with those who have been abused by health care

professionals. We understand that those discussions bore fruit and created greater understanding between professionals and those who need support.

We believe that any legislation in this area must be workable, that it must be able to withstand challenges in the court. This bill affects not only doctors but every profession under the new Regulated Health Professions Act, but the initiative, I believe, for this legislation initially came from the College of Physicians and Surgeons of Ontario.

One of the biggest problems that the college has today is that its decisions in sexual assault cases are frequently and consistently overturned by the courts. What we don't want is a piece of legislation that will provide further opportunity for the courts to second-guess and throw out the disciplinary decisions of any college in a sexual abuse case.

A badly crafted law would ensure that that would happen, and if there is any conflict between administrative law procedures and criminal sanctions without criminal law remedies, you can bet this law won't stand up past its first case.

1730

Legislators, I believe, have an obligation to examine those questions with the added insight of those who appear before us in public hearings. I am concerned that on that issue we have not had a real opportunity to examine that particular threat to the value of this bill. One of the things I'm deeply concerned about is that in the end the winner may not be the colleges and it may not be the person who was abused; it may in fact be the abuser.

I refer back to some old clippings. Here's one from January 28, 1991, "4 Key Rulings Involving MDs Overruled: Medical Body to Appeal Decision in Case Concerning Abuse of 3-year-old." Here's another headline, May 13, 1993, a little closer in time, "Courts Give Doctors Guilty of Sex Abuse Second Chance."

Those are the kinds of issues that led to this bill in the first place. The process must be one that ensures that if the disciplinary body has indicated that a health care professional requires discipline, is in fact found guilty, those decisions cannot be overruled in a vague and, in my personal view, insensitive manner by the courts.

The second area that the bill must be workable in is in the aftermath of the bill involving health care professionals. One of the things that our committee was warned about on several occasions is that this kind of legislation may well result in what is known as "doctor chill," where a physician who is worried about a sexual complaint may refuse to do a pelvic examination and may send his patient to a hospital instead, involving two aspects here. One of them is (a) the provision of care and the other is (b) additional cost to the health care system.

We hope that in a properly crafted bill those issues will not become a permanent feature of the system, but I will tell you that on my own recent visit to my own physician, I was asked if I would prefer to have another staffer in the room, a nurse on that particular occasion, while a cervical screening was being done—once again an addition to the cost, once again a potential interference

in the personal relationship between a patient and the provider of health care services. I hope those things that have been raised will not happen and that the bill will in fact be workable in those areas.

Throughout this process we hoped that the discussion and the debate would lead to a balance that would create legislation that would be respected by all health care professionals and that would work—would work for the college, would work for patients and would work for every single provider of health care.

We thought that the process we were going through was leading to a balance and that we would end up with legislation that all parties could support. Then on Tuesday we found that there was a doublecross in the system, and I speak about this doublecross in a way, frankly, that I find very regrettable.

At noon on Tuesday all proposed amendments to this bill were to be tabled with the clerk of the committee under the rules. This bill was under a time allocation and the clause-by-clause consideration of the bill was to begin in committee at 3:30 that afternoon. Because of a bomb scare in this place, clause-by-clause consideration, as you know, was postponed until the next day.

No one expected any surprise in the amendments that were put before the committee, but we all got one, because within the government amendments was buried a new government amendment that no one had seen or discussed. It had not been raised in committee at any point in the discussion by any individuals or groups. The Ministry of Health had not given signals in written or oral form that it intended to introduce this amendment. In other amendments that the government put forward, it had done so and there was opportunity for debate in committee. We thought, frankly, that was a healthy and important part of this process.

But this amendment was news to everyone. The last drafting of that section that we looked at was substantially different than what came before committee on Wednesday afternoon in clause-by-clause decision. By the very thinnest margin the amendment was ruled to be in order, and I asked for that ruling, and when I say by the thinnest of margins, it was ruled to be in order because it was on the borderline of whether in fact the amendment was included in the scope of the bill.

Today urgent faxes have been coming to my office, to the minister's office, to the office of the Premier with respect to the inclusion of that particular amendment.

I must read some of this information into the record because I believe that the government's action on that last day has in fact changed the nature of how we have to deal with this bill on third reading, and I will tell you that I deeply, deeply regret that.

I want to read some of the material that has come to my office today. The Ad Hoc Coalition of Regulated Healthcare Associations on Bill 100, in a release which was sent to the media on December 13, today, and this is a quote, "today expressed outrage at the NDP government's last-minute amendments to the bill, subsection 95(1), relating to quality assurance that denied practitioners' basic rights of a fair hearing."

In a later part of the release it says:

"Amendments to the RHPA along the lines of the 95(1) amendments have twice previously been floated and then rejected through the consultation process with health care associations and the colleges," said Dr Ruth Berman, co-chair of the coalition. "To sneak the amendments through in this way and at this time is unbelievable high-handedness and arbitrariness that makes a mockery of the "full and open consultation" process that was supposed to be introduced by the RHPA and attend Bill 100."

That's the first one.

The Opticians Association of Canada writes as follows, and this is a quote from one paragraph in their letter of today. This letter, by the way, was addressed to the Premier.

"With regards to the substance of the amendment, we believe that it alters the focus of quality assurance from a consensual and positive effort to maintain and improve the quality of care to a potentially punitive process. The quality assurance process lacks the basic procedural protections present in the case of complaints, discipline and incapacity proceedings. Because of this, the amendment destroys the balance and fairness built into Bill 43."

The association goes on to say, "To make a change as important and basic as this without consulting the stakeholders destroys the process that gave Bill 43 its validity." The association goes on to ask the Premier, "May we have your assurance that this amendment will not go forward when third reading takes place later today?"

The Denturist Association of Ontario is also concerned. They speak about the amendment as follows.

"This amendment is not limited to issues of sexual misconduct but applies to every kind of quality assurance. Therefore, we do not understand why the amendment is being introduced into Bill 100, whose focus is solely on sexual misconduct issues."

They go on to say: "Our greatest concern with the amendment is that it seems to undermine the supportive and constructive approach which is the intent of quality assurance. This amendment outlines a very punitive approach to maintaining quality which encourages individuals to hide or deny problems rather than addressing them."

The Ontario Medical Association president, Dr Tom Dickson, writes to the Minister of Health and indicates that it causes him great sorrow because of the serious long-term consequences it will have on quality assurance in this province. He talks about the amendment as "a secretive move....slipped in at the last moment, and there was no notification to any of the associations or any of the other colleges."

He says, and I'd like to quote an entire paragraph here:

"It has broken the consensus-building process which has been established over many years of the health professions review and which has never before been abrogated. It is a bitter conclusion to a truly consultative process. Furthermore, our college, in its communication with the membership, did not inform the membership that this stringent method of quality assurance would be brought in."

"The content of this is furthermore very troublesome in that it destroys the balance which was carefully constructed during the entire legislative process between quality assurance and punitive measures. We supported a strict regime when it came to complaints and discipline, but in return for that, the balance was constructive in that the quality assurance programs would not be punitive and would be supportive of the professionals involved.

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"We believe that this was benefiting the tenets of modern quality assurance which are supported in the academic literature. At the last moment to have this carefully constructed balance seriously disrupted is a shocking state of affairs and will have serious long-term ramifications for quality assurance in this province. I know of your concerns in this area"—the president writes to the Minister of Health—"and cannot believe that you really would have intended to have such a destructive turn of events at the final part of this process.

"We were promised an amendment which addressed remediation. This clearly totally misses the mark and disorders other affairs in a distressing way."

The Ontario Physiotherapy Association writes:

"The approach embodied in that amendment had been rejected during the Health Professions Legislation Review and had been rejected again during committee hearings on the Regulated Health Professions Act. Furthermore, the amendment has little if anything to do with the stated intention of Bill 100. This amendment will fundamentally change the concept of quality assurance for all health professions and will have major charter and due process implications.

"We also question"—they say later—"whether this lack of consultation and last-minute change will become the norm in dealing with amendments to the Regulated Health Professions Act in the future. This is particularly concerning when we believed that the process would be more open and consultative than it had been in the past, not less.

"The members of the Ontario Physiotherapy Association have concerns that this bill will affect the efficacy and integrity of health care delivery in Ontario. The amendments to section 95(1) have served only to make the situation worse."

That's not all. The Vision Council of Canada says, "We take the strongest exception to the inclusion of these powers on both process and substantive grounds."

They suggest to the minister:

"If you continue to believe that there is a need for such an amendment, it should be considered by the Health Professions Regulatory Advisory Council, and that all colleges, professional associations and others be given an opportunity to speak to its negative impact on the RHPA initiative to maintain and enhance competence and the quality of care. To allow this amendment to come into effect with the remainder of the act on January 1, 1994, would in our view be a grave error."

The Ontario Association of Medical Radiation Technologists also writes. Mr Robin Hesler, executive director, says, "I am writing on behalf of the 5,000 members

of this association to convey to you our surprise and disdain concerning the unconsulted inclusion of the government's proposed amendments to subsection 95(1) of Bill 100."

He goes on to say:

"This hasty action makes a mockery out of the consultative process which has been stated by your government as a fundamental principle of doing business. This plugged-in amendment now compromises Bill 100, and that deeply concerns this association.

"During our presentations at the committee hearings, members of the committee expressed concern about the process in terms of information passage to individuals and groups concerned and interested in Bill 100. Government members of the committee asked why there was not more trust in the relationship with your ministry and the regulated professions. Events such as these do not foster a trusting relationship, and we feel, as the victims/survivors have, that we have been violated. This is not in the best interests of health care, nor its efficacy and integrity, nor the fragile economy.

"We ask that this amendment be removed tonight during third reading."

The Ontario Chiropractic Association says: "On Friday the OCA heard of the new proposed amendment to section 22 of Bill 100 which brings a radical change to the nature of quality assurance programs in health care under the Regulated Health Professions Act. This proposed amendment is of such significance that it was considered by the OCA board over the weekend."

I want to underline that they called a special meeting to look at this amendment, by the way, over the weekend. They conclude, following that meeting, "The OCA urges you to withhold the proposed amendment and refer it to the RHPA advisory council for consultation. Failure to do this will, the OCA predicts, lead to quality assurance committees being discredited and failure of a major part of the regulatory process under RHPA."

The solicitors for the College of Dental Hygienists and the College of Massage Therapists of Ontario also wrote today. They indicate that both of those associations "take the strongest exception to the proposed government amendment that arose during clause-by-clause review, and proposes the addition of section 95(2.1) and (2.2)."

They say, "Your amendment removes the assurance," that "quality assurance initiatives...are to be profession-wide, proactive and not punitive," and they indicate that this amendment "puts the quality initiative at risk. By creating the possibility that members might have to undergo psychological or other assessments, therapy or counselling without having first had a full hearing and an opportunity to present their side of the story, your government will make it considerably more difficult for colleges to obtain the cooperation they require, and firmly believe they could expect, under the original provisions. Colleges have the power they need to deal with individuals who are found to be wanting; the quality assurance committee should pass any such problems on to their discipline-or-fitness-to-practise colleagues.

"To allow this amendment to come into effect with the

remainder of the act on January 1, 1994, would, in our view, be a grave error," says the College of Dental Hygienists of Ontario and the College of Massage Therapists of Ontario.

The Ontario Society of Occupational Therapists writes that it "has invested considerable efforts to assist in the development of workable legislation that truly captures the intent of Bill 100. We believed our submission and presentation to the standing committee provided an opportunity for discussion and interchange on key points of amendment. Even though our presentation was as late as December 6, 1993, there was no discussion of this new amendment...."

"The proposed amendments to 95(1), in our view, add one more defect to what has been a very difficult and flawed process. While we support the objectives of this legislation, we cannot support the legislation as currently proposed and urge you to reconsider this amendment and abandon its inclusion at this time."

The Ontario Psychological Association writes to the minister:

"To slip amendments of this nature and impact into Bill 100 at the last possible moment makes a mockery of the consultative process that the government said it wanted around Bill 100. It also puts a slant on Bill 100 that deeply concerns this association and its members."

"During committee hearings on Bill 100, government members of the committee asked why there wasn't more trust in the relationship between your ministry and the regulated professions. For the answer, you need to look no further than Bill 100 and the last-minute amendments to 95(1)."

The Ontario Society of Chiropractors, a small health care profession but one which was involved in the consultative process through the RHPA and indeed through Bill 100, writes:

"We oppose the enormous administrative discretion for the college relating to a practitioner's licence, without benefit of an appeal or even a hearing in the first place. We worry about the relationship (if any) between these amendments and the mandatory reporting requirements of Bill 100."

"From a process point of view, we find it very objectionable that amendments rejected twice before, in public, should come forward secretly and be approved. There has never been any notice from the ministry during our so-called 'consultations' on Bill 100 that the ministry intended to resuscitate these amendments. Why was no notice given? Why were the amendments not sent to the advisory council? Why did the ministry consult with the CPSO on these amendments but with no other college or association?"

"There has been too much unilateralism and arbitrariness in your ministry's relationships with the health sector since you became minister. These amendments to Bill 100 only illustrate and magnify that trend."

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The Ontario Podiatry Association writes: "The way this amendment was handled also makes a mockery of the consultative process that the RHPA was supposed to

introduce. Once again, a side deal has been consummated with one sector of health care that will significantly affect the entire health care system. Bill 100 has been a difficult process for all concerned. We feel that the government's approach to Bill 100 has not been in the interests of health care professions or of the efficacy and integrity of health care delivery in Ontario."

The Ontario Association of Speech-Language Pathologists and Audiologists writes: "This approach carries the very real potential to negatively affect the traditional constructive nature of quality assurance programs. Surprise amendments with the impact of these are clearly out of step with the consultative process the government promised on Bill 100 and we urge that they be withdrawn."

The Ontario Dietetic Association writes: "With the imminent formation of the College of Dietitians of Ontario, members of the ODA are key stakeholders in the outcome of Bill 100 negotiations. With regard to the aforementioned amendments—these are the surprise amendments—"the approach embodied in same was rejected during the Health Professions Legislation Review and again during committee hearings on the Regulated Health Professions Act. The amendments have the potential to fundamentally change the environment for quality assurance measures by professional colleges in Ontario and are not consistent with the stated intent of Bill 100."

The Section on Psychiatry of the Ontario Medical Association, Judith Hamilton, chair of the ad hoc committee responding to Bill 100, and Patrick Conlon, chair of the psychiatric subcommittee, write as follows with respect to the new amendments that were surprisingly added on Tuesday.

"These amendments pertain to the quality assurance committee but bear little relationship to the original intent of Bill 100. These additions were made after the end of the hearings of the committee on social development. The quality assurance issues were not debated at the Bill 100 hearings. Thus, we were unable to address these proposals, to present them to our membership for consultation or to offer a response to the government."

"This lack of appropriate consultation seems to us to be a sharp departure from the government's need for and attempt to achieve cooperation from the professions. Instead, this procedure was authoritarian and arbitrary."

The Ontario Dental Hygienists' Association writes: "We are at a loss to understand why this amendment, given its major and long-term impact, would be brought forward by the government with no notice to health care associations such as ours, thereby depriving us of any opportunity to comment on the amendment."

These concerns are so widespread and so serious that they have to be considered in the way this bill is disposed of. We had determined in our party to support a workable law that would deal in a balanced way with the social and ethical issues surrounding sexual assault of patients by health care professionals.

We are saying to you that unless the minister today indicates to the House today that this new amendment, which came to the committee in a surprise move by the Minister of Health or through the parliamentary assistant,

will not be proclaimed with the rest of the Regulated Health Professions Act or at least referred to the advisory committee on the RHPA, we are in an absolutely no-win situation and she is in a no-win situation with respect to Bill 100. We will be forced to vote against that bill unless we have the minister's assurance that this particular amendment will not be proclaimed at the same time as the rest of the bill.

The minister's amendment has destroyed the consultative process. It introduced a new dimension to the bill that wasn't discussed in committee. It also brings back a concept that has been rejected twice before when the Regulated Health Professions Act, a consultative process that took well over 10 years to come to fruition—this particular issue was rejected twice in that process.

We believe strongly that, at best, the issue must be referred for consideration to the advisory committee on the Regulated Health Professions Act and that the minister should agree and should state in the House today that this section will not be proclaimed with the remainder of the Regulated Health Professions Act on January 1, 1994, less than a couple of weeks away.

Frankly, we feel sick about this. We felt that there had been progress made. We felt that objections and questions and indeed positive inclusions and suggestions that opposition parties were making to the bill would add to the strength of the bill and the strength of the process. We heard from survivors, from their support groups, from professional organizations and from colleges. We listened to what they said and we tried to assist the government in making a balance that would bring forward and put into effect a workable piece of legislation.

We believe that we worked with integrity on this bill. Unfortunately, I'm also left in the position where we believe that the Minister of Health, through this last-minute amendment, has destroyed the integrity of the process.

I want to underline again that our party is committed to a bill that's workable for all professions and for all people who've been abused. While the number of people who have suffered incidents of professional misconduct of a sexual nature may be small, even one violation of trust between a patient and a health care provider is one too many. That's what we thought we were going to overcome with this bill.

I'm asking the minister to provide us with an assurance today that we will be able to move ahead with the legislation in the way and with the concept that we had expected would be put forward, that she will say that either the new surprise amendment to the bill will not be proclaimed on January 1 or that the issue will be referred for consideration to the advisory committee on the Regulated Health Professions Act.

We ask, and I believe that we deserve, nothing less than that from the minister.

Hon Mrs Grier: I want to comment, because the member has made some very grave accusations against me and against the process with respect to this bill, and that disturbs me at this point. I want to deal with them even though I know I only have two minutes and to point

out to her that in fact the question of competence was already in Bill 100 and was one about which much was heard during the discussions over the summer and during the hearings before the committee.

The health professionals advisory committee had recommended retention of mandatory reporting for incompetence and incapacity, which was in Bill 100 when it was introduced. During the last 14 months, many of the colleges, many of the survivors, many of their advocates have raised the issue of competence. In the hearings before the committee—and I was present for only a portion of them—some of the people whom I heard present were speaking less about sexual abuse than about the competence or lack of competence of the professional who had been dealing with them.

For the member for Halton Centre to say that the question of having some remediation process within the bill had not been raised is I'm afraid inaccurate, because the College of Physicians and Surgeons had raised this in a letter early in December during the beginning of the hearings and had made it part of its presentation before the committee.

I think it's important for members to know what this amendment does to the legislation. It gives the college the power to require some remediation of a professional before he or she has created an act for which he could be disciplined. The college does not have to pass such a regulation. Should a college decide to pass such a regulation, then of course the associations and the members from whom the member opposite has been hearing would be part of the process of developing that regulation before such a regulation could be adopted.

1800

Mr Jim Wilson (Simcoe West): I want to take these two minutes to correct the minister, if I may, as politely as possible. I say to you, Minister, you weren't there during the Regulated Health Professions Act hearings that were held over a year ago for many, many weeks and hundreds of hours.

We dealt specifically with this issue of quality assurance. We agreed that quality assurance was not the place to put such punitive measures as you've introduced in the last-minute amendment to subsection 95(1). That's why the honourable member for Halton Centre was reading, as I will in my remarks coming up, from a whole series of faxes from colleges and associations that don't want the power. I think in your comments, Madam Minister, you perhaps inadvertently thought that the member for Halton Centre was making these arguments. We, simply as Health critics, will be making the arguments and are making the arguments on behalf of the colleges and associations themselves.

You were not present during most of the hearings with respect to this Bill 100, which is an amendment to the original RHPA. Yes, the CPSO sent us a letter. From that, you could not infer that the surprise amendment was going to come forward. That would be a distortion of the facts.

Simply, you should have seen the shock on my face and that of Mrs Sullivan when we saw this amendment at

the very last moment of clause-by-clause. In fact we both asked the Chair to rule whether or not this particular amendment to subsection 95(1) was within the scope of the bill. We had asked the Chair to rule whether or not it was out of order. Unfortunately, we lost that ruling. I think in some of the arguments put forward by the colleges that the honourable member has just read into the record and that I will read into the record, we should have won that ruling. I just want to set the minister straight with respect to the facts surrounding this issue.

Mrs Margaret Marland (Mississauga South): We're placed in a very difficult position as people who are elected to represent the interests of not only our constituents but the people who live in this province who have concerns with some government changes in both regulation and in legislation. I think the concerns that have been well placed on the record this afternoon by Ms Sullivan, the member for Halton Centre, are something that I would hope this government would pay attention to.

Frankly, I just had brought to my attention this morning the concern of the Ontario Dental Hygienists' Association. I guess the point is, for them it has been catch-up, because they've suddenly become aware, as practitioners in the dental health care field, about the impact of this last-minute amendment.

If it's possible for people to come and work in a dental office simply because they're under the supervision of the dentist, regardless of their training, there is no protection whatsoever for the patient. I would hope that this government is interested in protecting patients in all forums of health care in this province. Frankly, dental hygiene has been a practice in dentistry which has required a tremendous commitment on the individual's part for his training at university. Even then, of course, they have to work under the supervision of a doctor of dental surgery. Obviously, for a DDS to be able to hire people off the street without that training and those qualifications does not protect the patients of this province. I have grave concern with it.

Mr Larry O'Connor (Durham-York): This certainly was an enlightening committee we were on. I guess as a person who comes down here to make legislation that is going to improve the life of individuals, I found it very important that we had the opportunity to hear from the individuals who wanted some change, wanted some protection.

We heard from an awful lot of victims. We heard from victims who had come forward and asked, for example, for amendments like this amendment we're having a bit of a discussion on, because the reason we pass legislation is for protection of individuals and this was a protection that was asked for, was called for.

Unfortunately, victims have never felt comfortable in going to a college and saying, "I've got a problem here," and getting the feeling they've been listened to. They never really get that feeling that there is somebody they can turn to. Because they had that sense of nowhere to turn, we heard from victims and we heard from the College of Physicians and Surgeons saying, "We're not sure we have the regulatory power to do what's got to be done here."

There was an amendment that was put forward and it was one that was geared to taking a look at the needs of the victims, the victims of the regulated health professions. It's something, I guess, that none of the colleges want to admit, or other practising physicians, that these things do happen, but unfortunately they do happen. There are victims.

We've got victims that have come down here today to listen to the third reading debate on this and to see this proclaimed because they're here as advocates for all the other victims who never had the strength, the inner strength to come to the committee to make a presentation.

Mrs Sullivan: I find this so frustrating because I believe that neither the minister nor the parliamentary assistant to the minister, in their response to my remarks, understands the issue that's associated with this amendment. This is not a competence issue. Quality assurance in health care is a method that brings together a team of people to constantly assess and evaluate the delivery and process of health care to ensure that there is an improvement in the delivery of health care, to ensure that every patient benefits from an ongoing system of evaluation and monitoring of standards and practices and guidelines and the way treatment is provided, to ensure that health care is provided at the highest possible standards with the greatest efficiency.

This amendment is an amendment with respect to quality assurance. It changes the entire nature of the quality assurance process. It brings into quality assurance a disciplinary factor. The amendment means that a professional about whom a report has been made—not a complaint, an anonymous report—will be referred not to the disciplinary committee, not to the standards of practice committee, but in fact to a committee of the college dealing with quality assurance.

There will be no opportunity for that professional to be heard. There is no due process here. The issue is one that the minister must consider extremely seriously. I am asking her to refer this amendment to the health professions advisory committee or to agree in this House today that this section of the bill, the amendments that were put forward in a surprise way, will not be proclaimed.

1810

Mr Jim Wilson: I appreciate the opportunity to speak for a few minutes on Bill 100, An Act to amend the Regulated Health Professions Act, 1991. As has been pointed out in debate previously, Bill 100 adds provisions to the original Regulated Health Professions Act bill of last year, provisions dealing with the entire issue of sexual abuse by health care professionals.

It's interesting to note in the beginning that the government hasn't yet proclaimed or put into effect the original RHPA, Regulated Health Professions Act. In fact, we're under closure on Bill 100, which is an amendment to a law that is yet to become law, so that both bills, Bill 100 and the RHPA, can be enacted at the same time.

The Ontario PC Party has repeatedly expressed our full commitment to a philosophy of zero tolerance of sexual abuse of patients by doctors and other health pro-

professionals. Since the release of the College of Physicians and Surgeons of Ontario's final report on sexual abuse, members of the PC caucus have supported improvements to both the responsiveness of the college's process and services for survivors of sexual abuse. Our commitment to the philosophy of zero tolerance is premised on the seven principles established by the CPSO task force, and those principles are as follows:

Sexual abuse of patients is not acceptable because it inflicts serious harm.

Sexual abuse of a patient is a violation of trust which creates possibly irreparable harm to a patient, who potentially will distrust health professionals in the future, thus hampering his or her recovery.

Sexual abuse by health professionals is a blatant abuse of power.

Tolerance of sexual abuse by health professionals does great damage to the public's perception of health professionals on the whole.

Zero tolerance is the only philosophy consistent with protection of the public, which is the primary task of self-regulating bodies or the health professions colleges.

Zero tolerance also provides a clear standard of acceptable conduct. It clarifies where the appropriate boundaries in a physician-patient relationship are and will result in an awareness of the presence of inappropriate sexual attitudes and behaviour.

The effects of the NDP's imposed time allocation on this bill, Bill 100, are dramatic.

Firstly, individuals and groups making presentations before the standing committee on social development had just 15 minutes to present and respond to questions from committee members.

Secondly, just four days of committee hearings took place on a bill of this importance. The government actually wasted one evening to bring in a closure motion when we could have been studying the bill in detail and hearing from witnesses. We wasted a whole evening bringing in closure, and the effect of that motion was to limit the committee hearings to four days, one day of which dealt with clause-by-clause and didn't have any witnesses before us at all; that would be the Thursday. On the Monday we had a technical briefing from the bureaucrats and the lawyers of the government side, so we didn't hear any witnesses that day either.

Thirdly, amendments to this bill had to be filed with the clerk of the committee just 12 hours after the completion of committee hearings. So we finished committee hearings and, through the night, had to ensure that our amendments were made up, and it was pretty hard to do, given that legislative counsel shouldn't be asked to work all hours of the evening. It was a very difficult process and we were all quite tired. Then to have this bombshell dropped on us with respect to the surprise amendment to subsection 95(1) really does disturb me greatly.

Fourthly, the one-and-a-half-hour period allocated for clause-by-clause combined with 11th-hour NDP amendments, I think, totally ridiculed the so-called importance the NDP has placed on this bill.

All of these problems could have been averted had the government not been in such a rush to pass a piece of what they call good news legislation, and it should have been good news legislation, but the government messed up the process in a way that has to be unprecedented in this place.

In short, the PC Party of Ontario believes that the tactics employed by the NDP to bulldoze this legislation through the legislative process mocks those whom the legislation is designed to protect. Mark my words: There are some provisions in this bill that will actually backfire on survivors of sexual abuse. Time will show that I am correct in my examination and study of parts of this bill.

Most of the bill is good. We support the principle; we will be voting for it on third reading. But there are some time bombs in this legislation that we did not have enough time to sort out in committee because we were under closure and had to be finished by 5 o'clock last Thursday.

I think the 11th-hour amendment process the government had us under really shattered the consensus that had been built up over years in the development of the original Regulated Health Professions Act and, secondly, with Bill 100. There had been a lot of goodwill. None of us could be accused of giving political speeches with respect to this issue. We could be accused perhaps of giving political speeches with respect to the process, but I think the public will judge the remarks of both the Liberal Health critic and my remarks this evening. Fairness would dictate that we were railroaded on this and that the government didn't achieve all of its objectives because of the time process that was placed on the committee hearings and the development of the bill itself.

With the faxes we've received in the last 24 hours from colleges and associations of health care professionals, we know that the consensus, in their own words, has been shattered. What should have been a good news item for the government to report to the public in the Premier's Christmas message is no longer terrific news. It's watered down and it doesn't have the support now, in its entirety, from the very people the government must rely on to implement the legislation, and that's doctors and all other of the 24 regulated health care professions in this province.

The amendment specific to subsection 95(1) relating to quality assurance programs will deny practitioners basic rights of a fair hearing and appeal. This is the crux of our problem.

It authorizes each of the quality assurance committees of the regulatory colleges set up by the Regulated Health Professions Act to impose terms, conditions or limitations on a health practitioner's licence or certificate to practice for up to six months. The practitioner has no right to a hearing nor to an appeal from such a decision.

Terms, conditions or limitations could include revocation of a certificate of registration. That, under the former terminology of the Regulated Health Professions Act, is revocation or pulling of the licence to practice. That's how serious these measures are within the new provision brought in by the government that deals with the quality assurance program.

Quality assurance, as has been pointed out, is a peer process where self-regulating colleges attempt, and actually have been doing a very good job, of making sure that the public receives from each professional the quality of health care expected from the college and from that profession and that professional. To put in punitive measures in that peer process defies logic. That's the point we're trying to make.

Punitive measures, draconian measures, pulling licences to practice does belong, obviously, in this legislation. It belongs in the disciplinary process of the college, where a health care professional is given a number of safeguards of law. There's a six-month limitation on what the college can do with respect to licences and conditions in this quality assurance, but to throw it into a quality assurance setting really just blows apart not only the consensus but the intent of that part of the legislation.

I hope I'm making that clear. It's difficult, I know. It's taken me a couple of years as Health critic to get up to speed on a lot of this stuff. But I hope the public understands that what the government has done is essentially, in a process that wasn't intended to be punitive or to punish but to ensure quality, to throw in some draconian measures, and it's just simply unfair. It's the wrong place in the bill to deal with it.

Yes, I agree the government wanted to have some teeth in the quality assurance programs, but we didn't have the chance to even discuss this with any of the colleges. In fact, there was only one college that wanted this that I know of, and that was the College of Physicians and Surgeons. Without any discussion, the government put forward its amendment at the last minute. It passed and now you've got 23 other colleges and all the associations essentially screaming about this particular amendment.

1820

One component of the Regulated Health Professions Act enables the 24 colleges regulated under the legislation to establish generic quality assurance programs. The NDP, as I've said, has adopted an amendment that was suggested by the College of Physicians and Surgeons in late October, and without prior notification or consultation the NDP rammed this thing through. We didn't see it at all during the hearings, except at the last hour and a half, which was the clause-by-clause section.

I believe the government has made a huge mistake, which exemplifies its poor judgement, by going with the College of Physicians and Surgeons' suggestion.

I also must say that the tactics utilized by the College of Physicians and Surgeons of Ontario to get this amendment through are deplorable.

My staff and I speak and meet with CPSO representatives frequently and this matter, in its final form, was never brought to our attention. To say that the college's last-minute politicking was inappropriate, I believe, is an understatement. That is fairly strong language from a Health critic of any party.

I have received numerous faxes from professional associations expressing their dismay and outrage with the NDP quality assurance amendment. A coalition of 15

health care associations established in response to Bill 100, representing over 50,000 regulated health professionals, has reacted with anger to the surprise NDP announcement.

I just want to read the title of their press release: "Coalition of Health Care Associations Reacts with Anger Against Surprise Government Amendments." Very, very strong language, given that we were working in an atmosphere of relative harmony and consensus with this legislation.

Dr Ruth Berman, co-chair of the coalition, has said, "To sneak the amendments through in this way and at this time is unbelievable high-handedness and arbitrariness that makes a mockery of the full and open consultation process that was supposed to be introduced by the Regulated Health Professions Act and Bill 100."

Signe Holstein, another coalition co-chair, also says, "We are very concerned about the implications of the 95(1) amendments for the rights of health care practitioners. We doubt very much that the ministry has thought through the Charter of Rights and Freedoms implications and we can't see how the amendments have anything to do with Bill 100, unless the government has a secret agenda."

Dr Tom Dickson, president of the Ontario Medical Association, maintains that the NDP amendment "has broken the consensus-building process which has been established over many years of the health professions review and which has never before been abrogated. It is a bitter conclusion to a truly consultative process."

He goes on to say in a letter to the minister that the amendment "destroys the balance which was carefully constructed during the entire legislative process between quality assurance and punitive measures."

In closing, he describes the process and the content of the bill, "so hastily acted upon and introduced by stealth," as "inappropriate and upsetting."

Dr Robert Chelin, president of the Ontario Podiatry Association, maintains that the amendment "puts a slant on Bill 100 that deeply concerns this association and its members...and the way this amendment was handled also makes a mockery of the consultative process that the RHPA was supposed to introduce." He goes on to say that "the government's approach to Bill 100 has not been in the interests of health care professions or of the efficacy and integrity of health care in Ontario." Very strong language.

Sharyn Joliat, president of the Ontario Dietetic Association, the body representing over 1,900 registered professional dietitians in Ontario, maintains, "The approach embodied...was rejected during the Health Professions Legislation Review, and again during committee hearings on the Regulated Health Professions Act." That was a year ago. "The amendments have the potential to fundamentally change the environment for quality assurance measures by professional colleges in Ontario, and are not consistent with the stated intent of Bill 100."

She goes on to say: "The Ontario Dietetic Association is dismayed by the fact that government amendments were introduced at the latest possible moment. Bill 100

has been a difficult process for all concerned, but this act makes a mockery of the consultative procedures to date, in which the government stated a desire for input by all concerned and for a fair and open process."

William Hogle, executive director of the Ontario Association of Speech-Language Pathologists and Audiologists, maintains, "Surprise amendments with the impact of these are clearly out of step with the consultative process the government promised on Bill 100 and we urge that they be withdrawn."

Dr Warren Nielson, president of the Ontario Psychological Association, says, "The amendment is not germane to the stated intent of Bill 100" and "could fundamentally change the environment for quality assurance in Ontario and have major charter and due process implications."

He goes on to say: "During committee hearings on Bill 100, government members of the committee asked why there wasn't more trust in the relationship between your ministry"—he was referring to the Ministry of Health because he's writing to the Minister of Health—"and the regulated professions. For that answer, you need look no further than Bill 100 and the last-minute amendments to 95(1)."

Dr William Watson, president of the Ontario Chiropractic Association, maintains that the amendment is of such significance that it was considered by the Ontario Chiropractic Association board over the weekend.

He goes on to say: "It is a well-established principle everywhere that, if a quality assurance program is to be effective, it must be based upon a model of cooperation and education rather than punishment. Following wide consultation during development of the RHPA, the government of the day, supported by all parties, introduced legislation with a QA program that had an educational focus—and no punitive elements. The proposed amendment to section 22"—that's of the original RHPA; it's section 22 of the bill—"of Bill 100 tramples on that well-conceived consensus."

Beverly Lafoley, president of the Ontario Physiotherapy Association, has also written to the Minister of Health expressing outrage. She questions whether this lack of consultation and last-minute change will become the norm in dealing with amendments to the Regulated Health Professions Act in the future. In other words, the point is well made that this is a dangerous precedent and a dangerous way to go about formulating and passing legislation.

She goes on to say: "Bill 100 has been a difficult process for all concerned. The members of the Ontario Physiotherapy Association have concerns that this bill will affect the efficacy and integrity of health care delivery in Ontario. The amendments to section 95(1) have served only to make the situation worse."

Nancy Gowan, president of the Ontario Society of Occupational Therapists, says:

"Even though our presentation was as late as December 6, 1993"—just a few days ago—"there was no discussion of this new amendment. This is particularly concerning when we believed that the process would be more

open and consultative than it had been in the past, not less."

All these quotes fly in direct contradiction—the minister's back in the chamber—to what the minister said in her two-minute response to the member for Halton Centre's debate. All these quotes are in direct contradiction, so it's not Jim Wilson making this argument. I am reading quotes from the health care professionals themselves. Either the minister's calling them all liars or somebody has misinformed her, and I suggest she become informed in the next few minutes before this bill is voted on.

Stephen Hartman, president of the Ontario Society of Chiropractors, maintains his society opposes "the enormous administrative discretion for the college relating to a practitioner's licence, without benefit of an appeal or even a hearing in the first place." He goes on to say that chiropractors "find it objectionable that amendments rejected twice before in public"—and that was during the original RHPA discussions of a year ago—"should come forward secretly and be approved. There has never been any notice from the ministry during our so-called 'consultations' on Bill 100 that the ministry intended to resuscitate these amendments."

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The Ontario Medical Association section on psychiatry claims: "This lack of appropriate consultation is a sharp departure from the government's need for, and attempt to achieve, cooperation from the professions. Instead, this procedure is authoritarian and arbitrary." They go on to ask that their organization and others who will be affected have the opportunity to deliberate on and respond to the amendment and that this part of the bill be delayed.

The Vision Council of Canada, a non-profit organization representing the retail optical industry, has also written to the Premier. Andrea Belanger, executive director, maintains the amendment "destroys the balance and fairness built into Bill 43," which is the number of the original RHPA legislation.

The Vision Council goes on to express concern with the fact that "in certain situations health professionals may be ordered to undergo psychological or other assessments, therapy or counselling without having first had a full hearing and an opportunity to present their side of the story."

The Opticians Association of Canada, I also note, an organization representing 1,700 dispensing opticians in Ontario and Canada, expresses the same concerns in a similar letter to the Premier.

The Ontario Association of Medical Radiation Technologists, representing 5,000 members, also opposes this amendment. The association, in a letter to the Minister of Health, says, "The amendment makes a mockery of the consultative process which has been stated by your government as a fundamental principle of doing business."

My goodness, how many times did we hear that this government was going to be open and consultative? This is living proof—right now as we speak, history is being

made once again—that the government does not live up to anything in terms of what it meant, or supposedly meant, by being true partners and consultative.

The radiation technologists also go on to say, “This ‘plugged-in’ amendment now compromises Bill 100 and that deeply concerns this association.”

The Denturist Association of Ontario has also written to the Minister of Health expressing concern with the amendment on the ground that it “seems to undermine the supportive and constructive approach which is the intent of quality assurance. The amendment outlines a very punitive approach to maintaining quality which encourages individuals to hide or deny problems rather than addressing them.” That’s what I mean by the fact that this amendment and other parts of this act may actually backfire and certainly produce the opposite effect to the intent of these sections of the bill.

Linda Berry, government relations coordinator for the Ontario Dental Hygienists’ Association, has also expressed concerns with the quality assurance amendment. The association asks “that the amendment be withdrawn and if necessary submitted to the advisory council for consideration and consultation as proposed by the RHPA.”

In addition to the health care professionals’ associations being opposed to the NDP’s surprise amendment dealing with quality assurance, I can assure you that many of the colleges have problems with this amendment also.

Both the College of Dental Hygienists of Ontario and the College of Massage Therapists of Ontario take exception to the amendment. The colleges believe that the amendment gives them powers which are, in their words, “inappropriate.” Their solicitor writes and he says, “The powers were added without consultation or even warning, and we are aware of their inclusion and impact almost coincidentally.”

He goes on to say in his letter to the Premier:

“By creating the possibility that members might have to undergo psychological or other assessments, therapy or counselling without having first had a full hearing and an opportunity to present their side of the story, your government will make it considerably more difficult for colleges to obtain the cooperation they require, and firmly believed they could expect, under the original provisions. Colleges have the powers they need to deal with individuals who are found to be wanting. The quality assurance committee should pass any such problems on to their discipline-or-fitness-to-practise colleagues.

“Our clients are also concerned that the amendment was made on the request of only one participant in a 10-year multipartite process. To make a change as important and basic as this without consulting even the other colleges destroys the process that gave Bill 43 its validity. We appreciate that the pressure to have the acts proclaimed is great, and we recognize that this pressure limits your ability to consult broadly. Nevertheless, we strongly believe that there is no urgency to this particular change, and its sudden introduction is, we suggest, most inappropriate.”

I find it inconceivable that the ministry would consult with the CPSO on the amendment but with no other college or association. With the stroke of a pen, the NDP has alienated some 50,000 health care professionals.

I want to note that Bill 100 impacts on only the self-regulating health professions and is thus only a partial response to sexual abuse by health care professionals. A May 1993 survey of 800 respondents by Inside Canada Research found most Ontario residents believe that politicians, teachers, police and others “in positions of trust and authority” should face the same sexual abuse rules as the 24 self-regulating health professions.

The Progressive Conservative caucus has demonstrated its commitment to a philosophy of zero tolerance in a number of ways. When College of Physicians and Surgeons of Ontario task force chair Marilou McPhedran made a presentation before the standing committee on social development in the summer of 1991—I forgot that the RHPA hearings were in 1991; it’s two years ago—during the Regulated Health Professions Act hearings, Marilou McPhedran outlined several ways the proposed legislation could be amended to reflect the theme of zero tolerance. In response to her suggestions, the government brought forward only window-dressing sexual abuse amendments to the original RHPA.

I also want to note that the Liberal and NDP members of the standing committee on social development at that time voted against innovative PC amendments designed to help and protect patients from sexual abuse by health professionals. I and my caucus colleagues and our researcher, Louise Verity, worked very closely with Marilou McPhedran in developing those amendments dealing with sexual abuse back in 1991, when the original RHPA was before us.

Former PC Health critic Ernie Eves, the member for Parry Sound, introduced a private member’s resolution in November 1991 that endorsed many of the task force’s key recommendations. The resolution included a penalty range for sexual impropriety, a new definition of sexual abuse and support for the establishment of a survivors’ compensation fund.

Mr Eves also introduced a private member’s bill on June 17, 1991. The bill incorporated the guidelines for sexual contact between doctors and former patients contained in the recommendations of the CPSO task force. In addition, the bill made the penalty provision for sexual abuse mandatory, in keeping with other recommendations of the task force report.

To address problems identified by survivors of sexual abuse and regulated health professions over the course of the hearings on Bill 100, the Ontario PC Party moved amendments to provide for a comprehensive review of this act within three years of proclamation; to set out the general purpose of the measures in the bill designed to combat patient sexual abuse; and to refine the definition of sexual abuse by adding a subsection explaining that “sexual nature” does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

If I had time, I would explain each of the amendments, but I know the professionals out there and many, many

members of the public understand them.

We moved an amendment to ensure that there would be no arbitrary time restriction of the availability of the findings of college discipline committees. We moved an amendment to protect records of patients who have been sexually abused.

I introduced an amendment to dedicate fines collected from health professionals found guilty of sexual abuse to the therapy and counselling programs that are to be set up, a very important amendment, because when this bill was originally sold to the public, the government was very clear—and I guess, to be fair, it's prior to the introduction of the bill—and had been very clear for years that if a college fines a doctor who has been convicted of committing sexual abuse—and we know the bill provides for fines of up to \$35,000—that \$35,000 does not go to help the survivors of sexual abuse, to help the people the doctor may have abused, but it goes to Floyd Laughren, the Treasurer of Ontario. That's abhorrent. That is unfair.

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To be fair, the problem is that it probably had to happen this way all the way along, but the province does not have designated funds for fines. If you're fined for speeding, it goes into general revenues; if you're fining a doctor, in this case for having committed sexual abuse of a patient, it goes into general revenues.

The problem we have is more of a political one in that the NDP, when it was in opposition, consistently told us we were crazy, that we weren't caring, that we didn't care about the victims or the survivors of sexual abuse and that we had to have dedicated funds, that any money from fines had to go into helping the abused patients. We tried to do that. During the original Regulated Health Professions Act committee hearings in 1991, I introduced an amendment, as did Mr Eves through his private member's bill, to ensure that the money levied as fines had to go, whatever way it took, to help survivors.

What we have now in the case of this act, unfortunately, is that the fines go to the government and the colleges then have the additional ability to levy charges against the convicted abuser. In other words, they can collect back the money they've spent for the hearings process, for the investigations etc.

I think what will happen, because it's not an "and" it's an "or," they can fine or levy—sorry, they can fine and/or levy, I guess is probably most appropriate. I'm a bit mixed up at the moment. What will happen, anyway, is a disincentive to probably fine anyone. It's in there as window dressing in the bill, because the colleges aren't going to fine Dr X \$35,000. That's \$35,000 less that Dr X has to reimburse the college for all of the expenses it's incurred in bringing Dr X to disciplinary committee—or to trial, as it were.

If the colleges, particularly some of the smaller ones, are to continue to seek out and punish sexual abusers, their members who commit abuse, they need the money from those convicted of sexual abuse to keep the process going. They need to collect that money. So I don't think anybody's going to get fined under this act, and I think

the survivors who appeared before the committee—and we're finding out there are hundreds of them if not thousands of them in the province—have been sold a bill of goods with respect to that part of the act. We introduced an amendment to try and straighten that out, but it was defeated.

We also introduced an amendment to permit oral or written impact statements, or both, at the option of the patient, and finally introduced an amendment to exempt treating professionals from mandatory reporting in specific situations. Particularly this latter point—and it really was the end of the amendments that we tried to introduce in this very short time frame we had, and we worked very, very hard on it; we talked to survivors and we talked to a lot of the professions and to the coalition of professions—the final amendment with respect to mandatory reporting, I noticed when the minister did her two-minute response to the member for Halton Centre's debate, she concentrated on that, which was not the thrust of the member for Halton Centre's debate.

The member for Halton Centre was quite correctly pointing out, as I have, the anger out there with respect to the last-minute amendment dealing with quality assurance. The minister, once again and with respect, has a long history—some two decades—of getting up and obfuscating on the issues. She did it quite remarkably here in a two-minute response. She started talking about mandatory reporting as if we're opposed to mandatory reporting.

What I was opposed to very clearly is that if I were a patient and I go to my psychiatrist—not that I have one, but if I had one; I might need one after a few years in this place—but if a patient goes to a psychiatrist or a psychologist and during the course of a treatment wants to tell that professional that he or she has been sexually abused by a health care professional, the mandatory reporting says the psychiatrist must stop and say, "What you've just told me—I must fill out a report and send it to the abuser's college," whether it be the College of Physicians and Surgeons, dentists, nurses, whatever it might be.

I thought the division of psychiatry at the Ontario Medical Association, in particular, and the Ontario Psychological Association made an extremely good argument that this wasn't effective treatment and that they needed an exemption so that they didn't in a cold way have to stop the patient they're treating from telling them anything and say, "By the way, Big Brother has now kicked in and what you've just told me I've got to report."

It seemed to me we could have come to a better consensus on that, we could have come to a better compromise on that, because to me, that overrides the right of the patient. In my scenario, I'm the patient and I want to tell my physician, "Hey, I understand we have a patient-doctor relationship and that anything I tell you, you don't tell anyone else. In this case, the law says that you must tell someone else about the conversation we've just had."

We thought the compromise might be something like the patient should be told of their rights, told that, "In the course of your treatment, if the issue of sexual abuse comes up"—and I don't know if this would work or not;

we didn't have a chance to discuss it fully to find out—"I may have to report that." So there should be a warning ahead of time that the treating professional may have to report that.

Secondly, if that comes up because of this new law during the course of your treatment, you have the right to tell me to report that or not. It's your decision. You have control over your own therapy, and that is so important in therapy. That's how people get better, by taking control of their lives. This bill says, at least the talk about the Regulated Health Professions Act was: "Hey, we understand psychiatry. We understand the points made with respect to treatment. However, when it comes to the issue of sexual abuse, we just scrap everything we ever understood about treatment, and you have to mandatorily report this and interrupt the treatment." Where does the trust of the patient in the physician go from here? I don't know. Patients will want to know, if they're smart now: "What's on your hit list, doc? If I tell you about my other problems in life, does that get reported to other Big Brother agencies? What exactly can I tell you, doctor?"

You've got to remember, in this act we've suddenly said that the most heinous crime in society is sexual abuse. What if somebody reports murder or the fact that they beat their wife or the fact that they commit elder abuse? The murder one probably is dealt with in other statutes, but some of these other things that I think are pretty bad out there aren't dealt with and there is no mandatory reporting provision.

My point about those latter comments is, we needed time in committee to discuss this, to find out what is reportable now. What is it? We never had any time to discuss this, and we're passing important legislation. Many witnesses have correctly said that this legislation probably won't even be looked at for another 10 years.

Goodness knows, if we or the Liberals form the next government, we're going to end up spending probably the first two years undoing all the socialism that's been done in the province. The Liberals aren't terribly committed to that right now; they're going to see what's good and what's bad. My party's committed to undoing a lot of what Bob Rae and company have done. So we're going to be pretty busy doing other things, and I can tell you, our minds won't be coming back to the concerns of survivors in a legislative way. We might be able to do it through the regulatory process or behind closed doors, but it's not my preferred process because I've criticized the government on many occasions for doing exactly that and not including the public. It's a problem.

None the less, with the problems in the bill, we have to support it. We have to support it and hope that the government in the next few minutes will come to its senses with respect to the section 95 amendment. That would be nice. I can guarantee the government they'd get some good news press out of tonight's debates if they would back down on the section 95 amendment.

Pull it, discuss it, bring it back next year as an amendment to Bill 100, which is an amendment to the RHPA. Let us have some discussion on it. Let's hear from the colleges themselves. Let's hear from the associations. Let's let the government have its good news hit. It's

finally done something about the whole issue of sexual abuse by health care professionals, and I congratulate the government for that.

It's an issue that I don't blame previous governments for not dealing with, because I don't think, in all sincerity, the members of the Legislature were really aware and I don't think the public was really aware of the extent of the problem out there. I was absolutely shocked, beginning with the RHPA hearings, monitoring the College of Physicians and Surgeons task force hearings and our own hearings on Bill 100, to learn of the extent of the problem out there.

1850

I haven't got it now, but I think it was the Ontario Psychological Association that did a survey of its members and something like about a third of them or more—it was higher than that actually; I can't remember the figure—had had lustful thoughts about their patients. This was a confidential survey. They pointed out that they found out through that survey that yes, there's a problem, there's a bigger problem looming, perhaps, and that what needs to be done in their case and in the case of everyone else is education, that they're not taught how to deal with the situations they're put in and it's not clear to people what is sexual abuse and the definition, and that's now on the table, or what's appropriate and not appropriate.

We had some people come forward and talk about, for example, that they thought it was very inappropriate that X-ray technicians would disrobe them in one way or another. I can see that being a problem because if you're, say, an X-ray person and you're seeing bodies, one after the other all day, I bet certain parts of the body don't really mean much to you after a while, in terms of, "You see naked bodies all day" is the point they've made to us in meetings. But they need to be educated in how the public expects to be treated by them, and all the professions have said that. The bill's a step forward somewhat in that direction.

I want to just end by saying again we're supportive. The government should clean it up, though. I really wish that the whole fines section had gone another way, that there had been an exemption for some of the professions with respect to mandatory reporting. Certainly this last-minute amendment with respect to quality assurance should be removed and discussed. I think it's only fair. I've never really seen such anger in such a short period of time that this amendment brought forward in people.

I want to, finally, thank all of my colleagues. Over the last two and a half years that we've been dealing with regulated health professions, everyone in my party and I'm sure in other parties has met with their local health care professionals in their ridings and associations. I thank all my colleagues for conveying all that information, and it's a huge amount of information. The health care sector is huge out there and I thank all my colleagues for constantly bringing me up to speed with what the health care professionals in their ridings want and, more importantly, what the public expects from its health care professionals.

Finally, I want to thank the PC caucus researcher, Mrs Louise Verity. When it comes to health care, in our

caucus there's Louise, there's my executive assistant, Perry Martin, I have an excellent legislative intern at the moment, Robert Nicol, and there's myself. We're not a big band but I think we do come across effectively, if I may say, and it's a team effort. I thank all of those people because they have worked many, many hours and, I would say, above and beyond the call of duty.

I won't belabour the point nor all the names, but the ministry officials were particularly helpful through this whole process in terms of bringing us up to speed and in terms of allowing us to understand the issue. I thank them for their patience because I'm sure it's frustrating for them when they at times know more than we do about a particular amendment or the bill itself and they have to impart that knowledge to us in a friendly way. I'm sure it's not all that easy to have to deal with politicians, particularly politicians who are really tired. We didn't get a summer, we've been crammed through, we've been on closure and everybody's pretty tired, and it's unfortunate that in that state of mind we have to try and deal with complicated legislation like Bill 100.

I thank all of those people. I thank the minister for bringing the legislation forward and I do hope that she's learned something in tonight's debate that would make the legislation even better.

The Acting Speaker: Are there any questions or comments to the member?

Mrs Marland: I'd like to congratulate the member for Simcoe West on his presentation on Bill 100 this evening. I would like to say that the whole review of our health professions in this province has to be moving health professions forward. The only way that can happen successfully is as long as the patients are protected in every area of their relationship with the health care providers, and certainly part of that has to be the quality assurance.

I think the licensing and regulating of health professions, especially for specific services, is very critical. I think where we have some debate and concern is between what dental hygienists can do in the office of a dentist with a dentist's practice, the dentist being there in person, and what a dental hygienist can do in some other limited areas without a dentist being present. For example, in the public health area certainly dental hygienists have an opportunity to provide services for underprivileged children, and in geriatric and psychiatric institutions where there are no funds obviously to have a dentist on staff it's an opportunity for a dental hygienist to render a service which otherwise those people would not have access to.

But I think where we may have some areas where certain procedures can be done if the dentist has trained that person, frankly, it would be very regressive if that became the case, because we now have moved forward to where we have standards. We know what procedures can be done in certain circumstances because those people are trained and qualified for those procedures and I hope that will continue.

Mr Drummond White (Durham Centre): I wish to take issue with my friends' comments in regard to the therapeutic process. Certainly it's been my practice in the past, as a therapist, as a family counsellor, that when I'm

working with people, when these issues arise, when we find out about abuse of some form or another, whether it's child abuse, whether it's physical abuse by a husband of a wife or whether it's sex abuse by a physician or some other medical practitioner, these are things that are important. Their revelation, dealing with them, is not something which is somehow removed from the therapeutic process but rather is an important part of that process.

With this legislation, patients and therapists are given additional powers to ensure that their rights are looked after, that they are not minimized, that their lives and their experiences are not pushed away into a corner but rather a therapist, a psychiatrist, a social worker, a psychologist who knows how to work with clients would be using this law to empower and enable those people who have been abused in this process.

I think it is something which will strengthen health professions, and of course if it included social workers it would be that much stronger, but still the fact that you have a trusting relationship and the fact that those therapists have to deal with these issues, have to report them, are not contradictory experiences but rather they are experiences of trust and of value for those patients. They are the laws and the regulations that those patients need.

Mrs Sullivan: I want to thank the third-party critic for Health issues for some of his remarks which underline those which we have put on the table and I believe some of them that have underlined the remarks of the Minister of Health in association with this bill.

I also concur with his assessment that the function of quality assurance is quality assurance. It envisages a team approach for ongoing evaluation of health care delivery. It contemplates setting and measuring criteria to ensure that patients receive the highest-quality, most effective care in as cost-efficient a manner as possible.

The quality and competence-to-practise issues are totally separate issues. Any health care professional who abuses patients must be dealt with as part of the disciplinary process, but there must be due process for the professional, and I believe the member underlined those issues.

Just in commenting, I want to go back to a debate that the member participated in in committee on August 17, 1991, where the College of Physicians and Surgeons said that the majority of health professionals and their organizations must be relatively satisfied with the system, that they should not believe their legitimate interests have been ignored, that the system should not discourage professionals from cooperating with their colleges because regulation based on coercion is in the long run likely to be ineffective and expensive.

For any person who's been raped, touched in any offensive way or suffered rude or stupid remarks at the hands of their doctors, their nurses, their physiotherapists or any other health care provider, that person knows this is an important bill. There must be a buy-in, as the College of Physicians and Surgeons itself pointed out, from the professional associations and bodies to ensure that a law is put into place that no patient should be at the risk of sexual abuse, and that when it occurs, the professional should be disciplined.

The Acting Speaker: The member's time has expired. Are there any other members who wish to participate in questions or comments? If not, the member for Simcoe West has two minutes to respond.

1900

Mr Jim Wilson: I want to thank my colleague the member for Mississauga South for her very thoughtful participation, and also the member for Halton Centre, who again made some very salient points with respect to Bill 100.

The NDP member for Durham Centre didn't make any sense to me at all. I say that in the charity of the season, because I can think of worse things to say. I listened attentively to whatever he said and it missed the mark. It's indicative of some of the debate we've had on this bill.

He's a member of the standing committee that dealt with this. I don't know if the public has the opportunity to watch us during committee, but I want to tell you that it's bloody difficult at times and frustrating to sit there when you've taken the time to meet with the groups and to bring yourself up to speed on behalf of the people of Ontario, and NDP members, with the exception perhaps of a person like the parliamentary assistant carrying the bill, and yourself, Madam Speaker, you're pretty good, and there are a few others, but a lot of them sit there and I think they're just filling the chairs in committee. They don't know what they're voting on, they're whipped on votes, and it doesn't serve democracy very well.

None the less, I appreciate that they're here and trying to participate to the best of their abilities, but they do have to get up to speed on this legislation, because they're each voting. They're responsible to their constituents for the votes they cast and it's an extremely important process. The calibre of debate must improve, and in order to do that, people must bring themselves up to speed.

The Acting Speaker: The minister wishes to wrap up the debate.

Hon Mrs Grier: Let me thank my colleagues for participating in this debate and my colleagues on the government side for not participating to the length that perhaps many of them would have liked in this particular debate. As I indicated in my opening remarks, it is important that we finish so that we can proclaim both this piece of legislation and the RHPA before the end of the year.

I want to thank the member for Simcoe West for his kind comments with respect to his own staff. Let me say to him that he and his staff have made a very constructive contribution to making this a better bill, but I wanted to thank him for his comments about the ministry officials who have worked enormously hard both on this piece of legislation but also with respect to the regulations for RHPA. I really want to commend them for that.

To the member for Simcoe West, who like the member for Halton Centre dwelled on what they called this surprise amendment, I want to take issue and just make a very simple point for those who perhaps are puzzled at the acrimony of this debate at the late stage in this bill.

Under the Regulated Health Professions Act, every college must have a quality assurance committee. If such a committee finds that a professional lacks knowledge, lacks skill, lacks judgement in the performance of his or her profession, the quality assurance committee and the college can require that professional to take a continuing education program in order to improve his or her competence. If the professional says, "No, thank you; I don't wish to do that," there is absolutely nothing the college can do about it.

Under this amendment which we have made to the legislation, the college, if it chooses to do so, can pass a regulation in consultation with its members that puts a limitation on a professional's licence for a maximum of six months in order to force that professional to upgrade his or her performance; in other words, in order to require some remediation of the competence of that professional before he or she does harm to a patient, as opposed to waiting until after the harm has occurred. That is, I believe, in the public interest. That is why we have moved that amendment and that is why we are very proud today to vote on Bill 100.

The Acting Speaker: Minister Grier has moved third reading of Bill 100, An Act to amend the Regulated Health Professions Act, 1991. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

House in committee of the whole.

Hon Brian A. Charlton (Government House Leader): Before we call the first bill before the committee, there are a number of matters which the House leaders have agreed to which I will seek the consent of the committee of the whole to deal with; firstly, that all the amendments to the bill will be read into the record at the time they're moved, but that we have an agreement that we will dispense with the re-reading of those motions when the questions are put.

The Second Deputy Chair (Mr Noble Villeneuve): Is that the pleasure of the House? Agreed.

Hon Mr Charlton: Secondly, Chair, that you will see divisions on each of the opposition motions but that there will simply be voice votes on the government motions.

The Second Deputy Chair: Agreed? Agreed.

Shall all opposition motions be stacked?

Hon Mr Charlton: That's the last point I was going to raise, Chair, that the votes on all of the motions where there is a division will be stacked and deferred until after routine proceedings tomorrow.

The Second Deputy Chair: Agreed? Agreed.

1910

PUBLIC SERVICE AND LABOUR RELATIONS
STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA FONCTION PUBLIQUE
ET LES RELATIONS DE TRAVAIL

Consideration of Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to

make related amendments to other acts / *Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois.*

Mr Mike Cooper (Kitchener-Wilmot): I would ask that we have permission, as per the standing orders, for the staff to come on the floor.

The Second Deputy Chair (Mr Noble Villeneuve): Agreed that staff be present? Agreed.

We will now be dealing with any of the amendments to this bill and we would like to know to which sections.

Mr Cooper: I move that clause 1(1)(g) of the bill be struck out and the following substituted:

“(g) a person who regularly provides”—

The Second Deputy Chair: Order, please. I would like the honourable parliamentary assistant to simply list the sections to which the government has amendments so that the opposition would then know what sections to be alerted to where we have amendments.

Mr Cooper: Section 1, section 3, section 4, section 10, section 11; part II.1, sections 21.1 to 21.8; section 22, section 23, section 24, section 26, section 28, section 34, section 35, section 36, section 37, section 38, section 40, section 43, section 46, section 48, section 50, section 51, section 53, section 54, section 58, section 62 and section 67.

The Second Deputy Chair: These will be the government amendments. The official opposition, could we have a list of your amendments, please?

Mrs Elinor Caplan (Oriole): I'll try to put them in the order that I think they're going to go, because we're amending some of the government amendments, so I think the clerks have notice of what we're attempting to do: subsection 21(2) of the government amendment, section 53 of the bill and section 58.

The Second Deputy Chair: I thank the member for Oriole. The Progressive Conservative Party, the member for York Mills.

Mr David Turnbull (York Mills): We have amendments to clause 1(1)(c) of the bill, section 22 of the bill, section 49 of the bill, section 56.1 of the bill, section 56.2 of the bill, subsection 28.20(2) of the bill, section 28.22 of the bill and subsection 28.23(2) of the bill.

The Second Deputy Chair: Would the member for York Mills have an amendment to clause 1(1)(c)?

Mr Turnbull: Yes. I move that clause 1(1)(c) of the bill be amended by adding the following after the word “act” in the fourth line:

“or a person to whom the memorandum of agreement between the Ontario Physicians and Dentists in the Public Service or any predecessor organization in the government of Ontario applies.”

The Second Deputy Chair: By previous agreement, the Chair will not repeat the amendment. Would you like to give some explanation to your amendments, the member for York Mills?

Mr Turnbull: The Liberal amendment, I believe, also speaks to this concern of dentists. We believe that this is

a more appropriate place to insert this amendment, but it attempts to do the same things.

I have a letter here from the Ontario Physicians and Dentists in the Public Service, and the comment from their association is:

“Under the amendment to the Crown Employees Collective Bargaining Act, the physicians represented by the association are excluded from the act. Further, the legislation appears to have kept intact the framework agreement entered into between the association and the government of Ontario. We are concerned, however, that dentists represented by the association employed in the public service have not been specifically excluded from the application of the provisions of the revised CECBA.”

It goes on to read later:

“The fact that such dentists are not specifically excluded from the provisions of the Crown Employees Collective Bargaining Act may create situations where the provisions of the framework agreement and the provisions of the Crown Employees Collective Bargaining Act are in conflict.” We seek to remedy that with this amendment.

The Second Deputy Chair: Does the parliamentary assistant have some comments?

Mr Cooper: Yes. We can't be supporting this amendment because what we're trying to do is keep CECBA as close as possible to the Labour Relations Act, and under the Labour Relations Act dentists aren't included.

The Second Deputy Chair: Further comments? The vote, therefore, will be stacked and voted on tomorrow.

The next amendment, I believe, is a government amendment.

1920

Mr Cooper: I move that clause 1(1)(g) of the bill be struck out and the following substituted:

“(g) a person who regularly provides advice to cabinet, a minister of the crown or a deputy minister on employment-related legislation that directly affect the terms and conditions of employment of employees in the public sector as it is defined in subsection 1(1) of the Pay Equity Act.”

The Second Deputy Chair: Does the parliamentary assistant have some further clarification on his amendment? Debate on Mr Cooper's amendment?

Seeing no further debate, is it the pleasure of the House that Mr Cooper's amendment carry? Agreed. The amendment carries.

There are no amendments to section 2. Therefore, is it the pleasure of the House that section 2 be part of the bill? Agreed. Section 2, without amendments, is part of the bill.

We are now moving to a government motion to section 3 of the bill.

Mr Cooper: I move that section 3 of the bill be struck out and the following substituted:

“Subs. 1(4) (Related activities or businesses)

“3(1) The application of subsection 1(4) of the Labour Relations Act with respect to crown employees is subject to the modifications set out in this section.

"Status of employees

"(2) A decision made under subsection 1(4) shall not, directly or indirectly, treat an individual as a crown employee unless he or she is considered to be a crown employee under the Public Service Act."

Basically, it's just to cover what's covered under Bill 169.

The Second Deputy Chair: Further debate?

Is it the pleasure of the House that Mr Cooper's amendment carry? Carried.

Is it the pleasure of the House that section 3, as amended, carry? Agreed.

Government amendment to section 4.

Mr Cooper: I move that subsection 4(10) of the bill be amended by striking out "thirty" in the third line and substituting "twenty."

The Second Deputy Chair: Further clarification or discussion by the parliamentary assistant? Further debate?

Is it the pleasure of the House that Mr Cooper's motion carry? Carried.

Further government amendment to section 4, the parliamentary assistant.

Mr Cooper: I move that subsection 4(14) of the bill be amended by striking out "ten" in the third line and substituting "thirty."

The Second Deputy Chair: Any clarification or comments, parliamentary assistant? Further debate?

Is it the pleasure of the House that Mr Cooper's amendment carry? Agreed.

Shall section 4, as amended, carry? Agreed.

Shall sections 5 through 9, without amendments, carry? Agreed.

We have a government amendment to section 10.

Mr Cooper: I move that subsection 10(2) of the bill be struck out and the following substituted:

"Application

"(2) Section 64 of the Labour Relations Act applies with respect to the following:

"1. A transfer of an undertaking to or from one employer whose employees are crown employees with respect to whom this act applies to or from another employer whose employees are not such crown employees.

"2. A transfer of an undertaking between employers whose employees are crown employees with respect to whom this act applies."

The Second Deputy Chair: Does Mr Cooper have further clarification on his amendment? Further debate?

Is it the pleasure of the House that Mr Cooper's amendment carry? Agreed. The amendment carries.

There's a further government amendment to section 10.

Mr Cooper: I move that subsections 10(5) and (6) of the bill be struck out.

The Second Deputy Chair: Any discussion?

Is it the pleasure of the House that the amendment carry? Carried.

Is it the pleasure of the House that section 10, as amended, carry? Carried.

We have a government amendment to section 11.

Mr Cooper: I move that section 11 of the bill be struck out and the following substituted:

"s. 73.1 (Use of bargaining unit employees)

"11(1) The application of section 73.1 of the Labour Relations Act with respect to crown employees is subject to the modifications set out in this section.

"Exception, essential services agreement

"(2) Subsection 73.1(4) of the Labour Relations Act does not apply with respect to crown employees who are providing only essential services or emergency services under an essential services agreement made under part III.

"Exception re prohibition

"(3) Subsection 73.1(8) of the Labour Relations Act does not apply with respect to a person,

"(a) who exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations; and

"(b) who refuses to perform work that is necessary to enable the employer to provide essential services in accordance with an essential services agreement,

"to the extent that the person refuses to perform the work that is necessary to enable the employer to provide the essential services."

The Second Deputy Chair: Further debate?

Is it the pleasure of the House that Mr Cooper's amendment carry? Carried.

Shall section 11 of the bill, as amended, carry? Carried.

Shall sections 12 through 20, without amendments, carry? Carried.

We have a new section which will be known as 21.1. Section 21 therefore goes without amendments.

Is it the pleasure of the House that section 21, without amendments, carry?

All those in favour please say "aye."

All those opposed please say "nay."

In my opinion, the ayes have it.

Mrs Caplan: The question that I have is, we've placed amendments to section 21.1.

The Second Deputy Chair: We will now be dealing with 21.1 right at this present time.

Mrs Caplan: Fine. I just wanted to make sure we didn't get past it.

The Second Deputy Chair: This is a new section. The parliamentary assistant has some amendments, new section 21.1.

1930

Mr Cooper: I move that the bill be amended by adding the following part:

"Part II.1

"Collective Bargaining

"Definition

"21.1 In this part, 'designated bargaining unit' means a bargaining unit referred to in subsection 21.2(2) and includes a successor of the bargaining unit.

"Bargaining units established

"21.2(1) The Lieutenant Governor in Council may by order establish seven bargaining units consisting of crown employees who are public servants as defined in the Public Service Act.

"Description

"(2) The description of six of the bargaining units is as determined by the Lieutenant Governor in Council.

"Same

"(3) The seventh bargaining unit is composed of all crown employees who are public servants who are not included in the other six bargaining units, but shall not include,

"(a) persons who exercise managerial functions or are employed in a confidential capacity in matters relating to labour relations; or

"(b) lawyers and engineers who are employed in their professional capacity.

"Appropriate bargaining unit

"(4) A bargaining unit established under this section is an appropriate bargaining unit for the purposes of the Labour Relations Act until the description of the bargaining unit is altered under that act.

"Restriction

"(5) The description of a bargaining unit established under this section shall not be amended until after a collective agreement is made following the coming into force of this section.

"Same

"(6) No order may be made under subsection (1) after the repeal of the Crown Employees Collective Bargaining Act, being chapter C.50 of the Revised Statutes of Ontario, 1990.

"Orders not regulations

"(7) An order made under subsection (1) is not a regulation within the meaning of the Regulations Act.

"Bargaining agent

"21.3(1) The Lieutenant Governor in Council may designate the Ontario Public Service Employees Union as the bargaining agent for the six bargaining units referred to in subsection 21.2(2).

"Effect of designation

"(2) The Ontario Public Service Employees Union represents the employees in those bargaining units until it ceases, under the Labour Relations Act, to represent them.

"Restriction

"(3) The Ontario Public Service Employees Union continues to represent the employees in those bargaining units until a collective agreement is made following the coming into force of this section.

"Non-application

"(4) Section 61 of the Labour Relations Act (termination of bargaining rights after voluntary recognition) does

not apply with respect to the designation of the union.

"Central agreement.

"21.4(1) One collective agreement shall govern the following terms and conditions of the employment of the employees in the designated bargaining units:

"1. Dispute resolution procedures.

"2. Prohibitions against discrimination.

"3. Employment security and mobility.

"4. Pensions.

"5. Long-term disability insurance plans.

"6. Benefits to which all employees in the designated bargaining units are entitled.

"7. With the consent of the parties, wages.

"8. Such other matters as the parties may agree upon.

"Same

"(2) No other collective agreement shall govern the terms and conditions of employment referred to in subsection (1).

"Disagreement

"(3) If the parties are unable to agree about whether a benefit is referred to in paragraph 6 of subsection (1), the benefit shall be the subject of negotiations for the collective agreement referred to in subsection (1).

"Deemed bargaining unit

"(4) The designated bargaining units shall be deemed to be one bargaining unit for the purposes of a collective agreement referred to in subsection (1).

"Same

"(5) The description of the deemed bargaining unit shall not be altered under the Labour Relations Act.

"Same

"(6) The provisions of the Labour Relations Act concerning the establishment and termination of bargaining unit rights do not apply with respect to the deemed bargaining unit.

"Council of trade unions

"(7) The bargaining agents representing the employees in each of the designated bargaining units shall be deemed to be a certified council of trade unions representing those employees for the purposes of a collective agreement referred to in subsection (1).

"Separate agreements

"21.5 The employer and the bargaining agent representing the employees in a designated bargaining unit may enter into a collective agreement respecting matters not referred to in subsection 21.4(1).

"Terms of agreements

"21.6(1) Every collective agreement respecting employees in the designated bargaining units shall be effective on the same date and for a term of the same duration.

"Same

"(2) Unless the parties agree otherwise, a collective agreement shall provide that it is effective for a term of at least two years.

"Lawful strike

"21.7(1) The following conditions must exist for a strike by employees in a designated bargaining unit to be lawful:

"1. The strike must otherwise be lawful under the Labour Relations Act.

"2. A strike by the employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful under the Labour Relations Act.

"3. Employees in each of those designated bargaining units must begin to strike simultaneously.

"Exception

"(2) Paragraphs 2 and 3 of subsection (1) do not include employees in a designated bargaining unit for which a collective agreement under section 21.4 or 21.5, as the case may be, has been settled.

"Lawful lockout

"(3) The following conditions must exist for a lockout by an employer of employees in a designated bargaining unit to be lawful:

"1. The lockout must otherwise be lawful other the Labour Relations Act.

"2. A lockout of employees in every other designated bargaining unit that is represented by a bargaining agent must otherwise be lawful under the Labour Relations Act.

"3. The lockout of employees in each of those designated bargaining units must begin simultaneously.

"Exception

"(4) Paragraphs 2 and 3 of subsection (3) do not include employees in a designated bargaining unit for which a collective agreement under section 21.4 or 21.5, as the case may be, has been settled.

"Working conditions may not be altered

"(5) For the purposes of subsection 81(1) of the Labour Relations Act, clause 81(1)(a) shall be deemed to refer to the release of a report or a notice, as the case may be, with respect to every designated bargaining unit that is represented by a bargaining agent.

"First-contract arbitration

"21.8 Section 41 of the Labour Relations Act does not apply with respect to the six bargaining units referred to in subsection 21.2(2) or the deemed bargaining unit under section 21.4."

The Second Deputy Chair: Mr Cooper has moved a new section, which will be known as 21.1 to 21.8. We shall deal with this new section and then deal with amendments thereto.

Further debate?

Mr Turnbull: There's no doubt about it. This is a very flawed bill which we have a great deal of difficulty with. This whole section we have problems with, but this particular amendment does indeed try to make a very flawed piece of legislation a little better, and to that extent we will agree that this is worthwhile within the context of a bill that we don't agree with.

The Second Deputy Chair: Further debate?

Is it the pleasure of the House that new sections 21.1 to 21.8 proceed as moved by the parliamentary assistant?

Agreed? Agreed.

We shall now move to amendments thereto.

Mrs Caplan: The section which has been added, section 21, I'd like to amend as follows, and I have several amendments. If I could place each one in order and ask that they be voted on and then proceed with a second amendment, I would appreciate that, Mr Speaker.

The Second Deputy Chair: We would like the member to do them one at a time and we'll deal with them.

Mrs Caplan: Right. Subsection 21.2(3) of the government amendment:

I move that subsection 21.2(3) of the bill, as set out in the government motion to create part II.1, be amended by striking out "or" at the end of clause (a), adding "or" at the end of clause (b) and adding the following clause:

"(c) dentists who are employed in their professional capacity."

The Second Deputy Chair: I believe the member for Oriole was dealing with subsection 21.2?

Mrs Caplan: Correct. After where it says "lawyers and engineers who are employed in their professional capacity." That's on the government amendment. It's subsection 21.2(3), and I'm adding clause (c).

1940

The Second Deputy Chair: We will simply put in Hansard that the member for Oriole has moved an amendment to the new section, subsection 21.2. Please address your amendments.

Mrs Caplan: In fact the third party, the Progressive Conservative Party, had attempted to move an amendment which would have attempted to do fundamentally the same thing. The concern here has been communicated to us, actually as recently as this afternoon. I think it was an omission that the dentists were included in a way in this bill which I don't think had originally been contemplated.

The fact is that the amendment I have placed would retain the status quo and permit dentists to continue to bargain along with doctors who are employed in their professional capacity with the government by an agreement that has been in place since the early 1970s.

It would appear that under the existing amendments there's a potential for the dentists to be swept into the seventh bargaining unit comprising the unrepresented employees, and if the status is not clarified in the manner that I'm proposing as an amendment to this section, I think an injustice would be done. I don't think it was the government's intention to do this, and we heard from the dentists and the doctors today that they would prefer to remain under a special agreement with the government.

That's the purpose of this amendment, and I will have additional amendments to this part. It allows the dentists to choose who will represent them. It permits the spirit which the government wishes, which is that the dentists would be included, as they are in the Labour Relations Act; however, it would allow them the right to choose who their bargaining agent would be. I think it's a reasonable amendment.

The Second Deputy Chair: Further debate on the member for Oriole's amendment?

Mr Turnbull: As I've already indicated with my earlier amendment on the same issue, we feel this is appropriate and we will vote with the Liberals on this. Indeed, I believe they're going to vote with us on our amendment. We believe our approach is maybe a little bit better, but that's splitting hairs.

Mr Cooper: I think the response is the same as to the third party, that dentists are already covered under the Labour Relations Act and we won't be including them in this.

Mrs Caplan: I'd ask the parliamentary assistant to reconsider. It was our understanding in discussion this afternoon that the government was going to accept this amendment so that the status quo would not be changed for the dentists, who have negotiated, along with doctors, as part of an agreement and an association. They have an agreement with the government and this has been the practice for some time. It was my understanding that the government was prepared to accept this amendment. We worked with them in the drafting of it, and I'd ask the parliamentary assistant to reconsider.

Mr Cooper: Discussions did take place, and I was advised of discussions that were taking place with the opposition members to which I was not a party. When we did sit down and discuss it, we decided not to agree to this.

Mrs Caplan: In that case, I think it's reasonable for me just to say that I've been around since 1985, and generally, if the government changes its mind on accepting an amendment, notice is given. I would ask that this be stood down and perhaps we could have some further discussion on this, because we've seen a couple of occasions where the government has said it would do something, changed its mind and then reconsidered. As the representations were made very late this afternoon and the concerns were raised, it would be reasonable for this to be stood down to allow for some further discussions. We heard nothing from the parliamentary assistant, from the government or from the minister's assistants that suggested they were going to change their minds on what seemed to be simply a matter of fairness. I'm quite surprised to hear from the parliamentary assistant that they're not going to honour the commitment they made this afternoon, which was to accept this amendment.

The Second Deputy Chair: We do not have any provisions for standing down amendments. Do we have unanimous consent? We do not have unanimous consent; therefore, this amendment will be stacked and voted on tomorrow afternoon.

Further amendments by the official opposition, the Liberal Party.

Mrs Caplan: I move that subsection 21.2(3) of the bill, as set out in the government motion to create part II.1, be amended by adding the following clause. If you'll look in subsection 21.2(3) of the bill, there's clause (b); I'd like to add clause (b.1). Where it says "lawyers and engineers who are employed in their professional capacity," I'd like to add clause "(b.1) a landscape architect;" and "(b.2) a veterinarian."

Apparently there are nine landscape architects in the

employ of the government. They are professionals, as they have their own legislation, and they have requested that they be dealt with as other professionals: lawyers, engineers. It's amending that part of the legislation that would treat landscape architects as professionals in this legislation.

As well, with regard to clause (b.2), there are approximately 1,200 veterinarians in the employ of the government. Their situation is the same as the other professionals. They have their own legislation that designates their professional status and all they're requesting and what this would do is give them the choice of who their bargaining agent would be. I'm asking the government to accept these amendments, that for two groups of professionals, they be dealt with in the same way as lawyers and engineers.

Mr Cooper: I'd just like to remind the member opposite that under the Labour Relations Act landscape architects aren't included in the lists of professions. At present, landscape architects are covered under OPSEU as their bargaining agent, so at this time we aren't choosing to separate them out of their bargaining agent that's already recognized.

The Second Deputy Chair: Further debate? Is it the pleasure of the House that Mrs Caplan's amendment to subsection 21.2 carry? No. Therefore, the vote will be stacked and voted on tomorrow.

Opposition amendment, the member for Oriole.

Mrs Caplan: Let me try one more time. It's my understanding that it was the fact that there were a number of veterinarians who caused the government not to accept the last amendment. There are nine landscape architects in the employ of the government and the amendment I'd like to make now will apply only to those nine.

I move that subsection 21.2(3) of the bill, as set out in the government motion to create part II.1, be amended by adding the following clause:

"(b.1) a landscape architect."

I think the request of the landscape architects is simple: It's that they be treated the same way as lawyers and engineers—yes, it's not the veterinarian one, it's the landscape architect.

1950

The Second Deputy Chair: The table does not have the benefit of a copy of that.

Mrs Caplan: I have a copy for the table.

I understand that the hesitancy of the government on veterinarians is that there were over 1,000 veterinarians; there are only nine landscape architects. They are covered by their own professional legislation and they ask to be treated the same as the lawyers and engineers who are also covered by their own professional legislation. I'd ask the government to accept the amendment to deal with nine landscape architects, who've asked for the right to choose who will represent them.

The truth is that they are presently covered by OPSEU, but they have asked for the right to make that determination. OPSEU could still convince them or it could be

AMAPCEO, as they are organizing. What these nine people have asked for is the right to choose. It's a simple request.

Mr Turnbull: We agree with the thrust of this amendment. It's quite clear that it is obnoxious to people to be forced into unions; the whole principle of being forced into unions is wrong. The government is taking a typical socialist approach in this, that it knows better than the people themselves.

They've indicated that, if anything, they want to be in AMAPCEO. Why on earth not let them? Why does the government believe it knows better than anybody else where these people should be directed? This is just a payback to the unions. We agree with this amendment by the Liberals.

Mr Cooper: I think my response to the previous amendment stands. Might I remind the members opposite that there are host of other professions that aren't covered under the Labour Relations Act, and I don't think that at this time we want to single out one and bring it in.

Mrs Caplan: Again I'd ask the parliamentary assistant to reconsider. It was my understanding that because we were dealing with nine professionals, professional landscape architects in the employ of the government, that the government was willing to accept that amendment because it was dealing with a few employees who did qualify as professionals; they had their own professional legislation. Again without any notice the government seems to have gone back on its commitment that it would accept an amendment that would allow nine landscape architects to choose who their bargaining agent would be.

I would point out that this is not saying they won't be part of a bargaining unit. All this is doing is giving professionals the right to choose who will represent them. It was my understanding that the government had given us its consent and we were told this afternoon that it was prepared to accept this amendment on behalf of the landscape architects. Frankly, I'm at loss to understand why they are going back on their word.

Mr Cooper: I must apologize, because there was never any commitment. My understanding all the way through my carrying of this bill is that there was no commitment to do this. There weren't even any discussions on it today, at the last minute. There was nothing brought up to me on this and there was never a commitment from the government.

Mrs Caplan: I'd just like to put on the record that these votes are being stacked and that the government will have an opportunity to reconsider its position before the final vote is taken. I'd ask the parliamentary assistant to speak to the minister. It's my understanding that commitments were given, that this would be accepted by the government. They will have the opportunity tomorrow to do what they said they would do and to stay true to their word and to give the landscape architects the choice they have requested, which is to choose who their bargaining agent will be.

Mr Cooper: There's nobody forcing the landscape architects anyplace. Basically, what we're doing is

providing the provision where they can set up the way they want to bargain themselves.

The Second Deputy Chair: Further debate? Shall Mrs Caplan's amendment to the new section carry? No. The vote will be stacked and voted on tomorrow.

Further amendments by the official opposition.

Mrs Caplan: The amendment I'd like to make is to section 21.3(2.1) and (2.2) of the bill.

I move that section 21.3 of the bill, as set out in the government motion to create part II.1, be amended by adding the following subsections:

"Exception

"(2.1) Every individual who was not a member of a bargaining unit before bargaining units are designated under section 21.2, and who would be included in such a bargaining unit, may vote by secret ballot to determine whether he or she becomes a member of the Ontario Public Service Employees Union.

"Same

"(2.2) If a majority of individuals voting vote against becoming members of the union,

"(a) none of the individuals referred to in subsection (2.1) shall be included in a bargaining unit designated under section 21.2; and

"(b) none of the individuals is represented by the union."

The Second Deputy Chair: Thank you. Would you have some further comments, the member for Oriole?

Mrs Caplan: Frankly, given the performance of the parliamentary assistant and the government today, I don't expect this motion's going to carry, but I can't understand why it wouldn't because to me this is one of the fundamental principles of our democracy.

I know you, Mr Chair, understand that what this amendment does is permit a secret ballot for members to be able to vote whether or not they want to be in a union and, if so, which bargaining agent they would choose. Commitments that were given by the government earlier were that in fact people would have the right to choose. The former minister committed that people would have the opportunity to decide if they wanted to be in a union and, if so, which bargaining agent they would want.

Mr James J. Bradley (St Catharines): That's democratic.

Mrs Caplan: That certainly is democratic. However, we know that as part of that process, the fundamental principles of our democracy are that those votes be taken by secret ballot. I am hopeful that the government today will accept that democratic principle of a secret ballot, enshrine it in this legislation and then hopefully amend Bill 40 so that it too will include the right of individuals to a secret ballot.

I'm not going to speak at length on this, but I can tell you that I don't understand what is wrong with a secret ballot. I can't imagine why the New Democratic Party would be opposed to a secret ballot. I would ask that, in light of some of the very significant changes that are being made, the rights of individuals be safeguarded by permitting individuals the opportunity to have a secret

ballot as to whether or not they want to be unionized and join the union in the first place and, secondly, as to which bargaining agent they wish to represent them.

Mr Turnbull: I agree with what the previous speaker, the member for Oriole, has just said, but just to speak a little bit about how flawed this whole process is, I have in my hand this great big bundle of amendments. We've had amendments flying around all over the place. We've got over 60 amendments to this, including government and opposition amendments; most of them are government amendments. I don't even have a copy of the last couple of amendments the Liberals have brought, so I'm flying blind when it comes to this. I agree with what you said, but I don't have a copy of this.

This whole bill is being rammed through the House in record speed. The government has done such a poor job of drafting it that it's taking out sections and putting in other things, and this is typical of the way they are passing all of their legislation. They obviously demonstrate by every single move they make how incompetent they are.

In this particular case, I can't blame them for it because it is the Liberals who haven't given me a copy of this, but when you are faced with the kind of time schedule we are with this bill, it's not surprising that something falls between the walls.

Mr Chris Stockwell (Etobicoke West): Can I ask you, Mr Chair, if these amendments are in fact tabled?

The Second Deputy Chair: These amendments are tabled here with the clerk and with your Chair.

Mr Stockwell: Can we get copies of those, do you think?

The Second Deputy Chair: I believe you have all the amendments.

Mr Stockwell: We have copies?

Mr Turnbull: We gave them to you. Not all these ones. We have some Liberal amendments, but not all.

Mr Stockwell: Would it not be the responsibility of the Chair or the table to in fact ensure that the parties get copies of the amendments?

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The Second Deputy Chair: It is the responsibility of the mover, and we have copies here.

Mr Bradley: Is there a photocopier in the building?

The Second Deputy Chair: The member for Oriole would possibly have some—

Mrs Caplan: Mr Speaker, I apologize to the member. It was my understanding that copies had been made and distributed to the third party. If that didn't happen, you have my apology and I'd be happy to give you my copy.

Mr Stockwell: I certainly don't blame the Liberals because I think it's been so fast and furious trying to get the amendments through, but it is very—

Mr Randy R. Hope (Chatham-Kent): Oh, come on, Stockwell.

Mr Stockwell: I seem to have upset the mayor of Chatham over there and I apologize. I don't want to upset any more municipal officials than I have to.

Mr Charles Harnick (Willowdale): One term as mayor of Chatham.

Mr Stockwell: Yes. Maybe your mayoralty career has been more successful than your parliamentary career, sir.

Interjections.

Mr Stockwell: Okay. This one then we're now standing down to vote on—

The Second Deputy Chair: We will put the question to the House, and if indeed it is not accepted by the government, it will be stacked and voted on tomorrow.

Mr Stockwell: The government has said they do not accept this amendment.

Interjection: Not yet.

Mr Stockwell: Then I'll reserve comment until I hear from the parliamentary assistant.

Mr Cooper: To the member from Etobicoke, no, we will not be accepting this amendment.

First of all, in response to some of the things raised, this is not being rammed through the House. This has gone through second reading and is now in committee of the whole for discussion. Up until last Wednesday and Thursday I personally was still meeting with representatives from CUPE, OPSEU, AMAPCEO and the agencies, boards and commissions, and some of the issues that were raised at that time are being addressed right now with some of the amendments. The consultation was going on, and that's why there are some last-minute amendments to this.

In relation to the amendment, we cannot be supporting this because basically what has happened is the employer has traditionally excluded these approximately 2,000 employees, and with their community of interest they are being brought into where they originally did belong.

Mr Stockwell: May I have a question of the parliamentary assistant?

The Second Deputy Chair: That's what we're here for.

Mr Stockwell: Thank you, sir. Can you explain again how they haven't been included?

Mr Cooper: They were excluded.

Mr Stockwell: They were excluded. So now you're including them, and in essence your inclusion is dictatorial, unilateral. There's no secret ballot involved with respect to their inclusion. Has it crossed your mind that maybe some, a majority, a percentage of these people, don't want to be included?

Mr Cooper: I'm sure there are some people who don't want to be included. I know if you look at any union movement right now, there are a number of people who don't agree with paying union dues. But because of their traditional exclusion, what we're doing is bringing them into the community of interest with the bargaining agent that was representing the people along the same lines. That's why they will be included now. That's for one term, one round of their collective bargaining agreement.

Mr Stockwell: Did it strike you that possibly, rather than assuming they want to be included, maybe you

should give these people the democratic right to determine in their own minds collectively whether or not they would like to be included?

Mr Cooper: Right now they've been traditionally excluded. We've agreed that they would be included now because of the community of interest, and after one round they will have the option of going back and going through the whole procedure to determine what they want to do after that.

Mr Stockwell: Quickly, Mr Chair, just through you—

Mr Hope: It'll be like stable funding.

Mr Stockwell: There's the mayor of Chatham again. That's good.

Interjections.

The Second Deputy Chair: Order.

Mr Stockwell: I say directly to the parliamentary assistant, it seems to me that if you are going to include anybody in anything, whether it is a union or a game of football, you would ask them, "Do you want to be included?" It seems to me that having a secret ballot asking 2,000 people whether they would like to be included or not would be a rather straightforward, simple process that any democracy—in fact, just yesterday the old USSR had that inclusion thing. It was called an election.

I'm curious. Is this something you're diametrically opposed to, a secret ballot—ie, election—to determine whether 2,000 people want to be included in your strong-arm tactics?

Mr Cooper: No, I'm not opposed, but if you look at the labour relations board, they don't go and talk to each individual when they make their determinations. What we're trying to do is bring some civility in while we bring in this new legislation, and after one round they will have their choice, through the democratic process set up in the union movement, to determine what their future will be.

Mrs Caplan: I would point out to the parliamentary assistant and to anyone who's watching this debate that in fact a normal certification process has not taken place. What the government is doing is saying that 2,000 employees who have formerly been excluded, who did not have the obligation of paying union dues, are, without any signing of cards, without any certification process, without any ballot whatever, automatically being forced to join the Ontario Public Service Employees Union. They are not providing them with any kind of a vote, secret ballot or otherwise.

What this amendment attempts to do is allow those people a secret ballot vote so that they can say whether or not they wish to be included in that new cohort of employees who are going to be paying union dues. This is about union dues. It's about the forced unionization of 2,000 people. Frankly, many have said, and I would agree, that this is the NDP paying off OPSEU, because this is a lot of union dues in the bank.

It seems to me that before you force 2,000 people, in this time of social contract and wage cutbacks, to pay union dues, you should at least ask them, and the fair

way of asking them is by secret ballot.

I've been frustrated by the approach of this government on these and other important issues, but I know those 2,000 people are very, very angry at not at least being asked. It could well be that they would have chosen to be included. It would have been very possible that they would have been happy to be included, because they were formerly excluded. But to have the government arbitrarily, in a dictatorial way, say, "You shall now pay union dues," I know goes against the grain of a lot of people who at least would have liked to have been asked. This amendment would only afford them that right by secret ballot to have their say. For any government, but particularly a New Democratic government which purported to represent the ordinary person, to not permit those 2,000 ordinary Ontarians, members of the public service—to restrict them and not give them the right to have a say, I think is not only undemocratic but it goes against the very principles that the New Democratic Party has always espoused.

Mr Cooper: To the member for Oriole, let me say that the way it has been is that traditionally these people were excluded and they weren't given the choice, and that was done unilaterally; that was without a vote. What we're doing now is saying they will no longer be excluded, and because of their community of interests they will be brought in to where they traditionally did belong.

Mr Turnbull: We're getting smoke blown at us by the parliamentary assistant. He keeps on saying that this is only for one round of bargaining and then next time it's all open. Well, why put them in in the first place? We've got this socialist Newspeak, you know, "community of interests." Why don't we rechristen it as the big payoff to Freddy Upshaw?

Two thousand people, and \$35 per pay period is the union dues. Do the math. That comes to very close to \$2 million. That is just for one round of negotiating. Two million dollars a year is what you're paying, and don't let's have any other depiction of it. This is the big payoff to Freddy Upshaw. There is no reason whatsoever for you to put these people in without at least allowing them a secret ballot.

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There was a secret ballot that got you people here. It may have been an awfully flawed process, but nevertheless you got here. At least give those people who are being forced into the union the same courtesy. You would have a great objection to the idea that a government were forced in without any secret ballot "just for one term," and that's exactly what you're doing. This is fundamentally unfair, and the fact that you don't support this amendment really shows that you are not dedicated to the concept of democracy.

Mr Cooper: If I might remind the members present, back in the late 1970s Bill Davis unilaterally moved 3,000 members into OPSEU without choice.

Mr Turnbull: Let me say, Mr Chair, that if I had been around in those days, I would have been voting against it. You can be sure of that.

The Second Deputy Chair: Further debate on Mrs Caplan's amendment? Is it the pleasure of the House that Mrs Caplan's amendment to the subsections of the new section be approved? Agreed? No? The vote will be stacked until tomorrow.

Any further amendments on the new section 21? We will now proceed to section 22 of the bill. Parliamentary assistant.

Mr Cooper: I move that the definition of "essential services" in section 22 of the bill be amended by adding at the end of clause (d) "or of legislative drafting."

The Second Deputy Chair: Mr Cooper has moved an amendment to section 22 of the bill. Any debate?

Mr Turnbull: Well, Mr Chair, I will be moving an amendment which essentially says the same thing, but is much better drafted, in my belief. So we will not be voting for the government amendment.

The Second Deputy Chair: Further debate. Is it the pleasure of the House that Mr Cooper's amendment to section 22 of the bill proceed? Agreed. The motion's carried.

Shall section 22, as amended, carry? Agreed.

We now have an amendment by the Progressive Conservative Party.

Mr Turnbull: I move that the definition of "essential services" in section 22 of the bill be amended by adding the following after the word "courts" at the end of clause (d): "or of any of the work carried out by crown attorneys or of legislative drafting."

The Second Deputy Chair: We are still on section 22. The Chair's mistake. Debate on Mr Turnbull's amendment? The member for St Catharines.

Mr Bradley: I would think this would have to be supported, because if the government were in a position of having to write the strikebreaking bill—which it obviously will, because it agrees with the right for teachers to strike, but every time the teachers go on strike, the government wants to bring in a strikebreaking bill. So quite obviously they're going to have somebody write the bill, unless they're going to go to the private sector. So I think it would be logical that the Chair of Management Board have the right to have his people write a strikebreaking bill, which obviously he's going to have to bring in.

The Second Deputy Chair: Further debate? Is it the pleasure of the House that Mr Turnbull's amendment carry? No? It will therefore be stacked and section 22 will be voted on tomorrow once the amendment has been voted on.

We now move on to section 23. We have a government amendment. The parliamentary assistant.

Mr Cooper: I move that section 23 of the bill be amended by adding the following subsection:

"Duty to bargain

"(2) The employer and the trade union shall bargain in good faith and make every reasonable effort to make an essential services agreement."

The Second Deputy Chair: Mr Cooper has moved an amendment to section 23 of the bill. Do we have any

debate? No debate.

Is it the pleasure of the House that Mr Cooper's amendment carry? Carried.

Further amendments? That is the only amendment to section 23. Shall section 23 of the bill, as amended, carry? Carried.

Further government amendment, section 24.

Mr Cooper: I move that clause 24(1)(c) of the bill be struck out and the following substituted:

"(c) identify the employees who the employer and trade union have agreed will be required during a strike or lockout to work to the extent necessary to enable the employer to provide the essential services."

The Second Deputy Chair: Mr Cooper has moved an amendment to section 24. Debate?

Mr Stockwell: It certainly begs the question: How come the government can allow themselves to have skeleton staff or strikebreaking staff—

Mr Harnick: Call them scabs.

Mr Stockwell: —scabs, yeah—to provide service, but you don't allow the same kind of agreement in the private sector?

Mr Cooper: I don't understand here. But there are essential services schemes in the Labour Relations Act. I know in the factory that I come from, there are protections to make sure there's no damage to property and the people in the powerhouse do continue to work.

Interjection.

Mr Stockwell: But the fact of the matter is and I say to the mayor of Chatham that you have said categorically in your labour relations bill that you can't move office staff or senior staff around. If you're part of the union, you can't cross the line. You can't cross the picket line. Now, it seems to me that if that's good enough for the private sector, that the—

Mr Hope: Says who?

Mr Stockwell: Says you.

Mr Hope: No. Read the law. It is much broader.

Mr Stockwell: —that the union can't go across the picket line, then how come you can allow your staff to go across the picket line to provide a service?

Mr Cooper: The union does sit down with the employer in the private sector and they do discuss who is able to go in across the picket line to protect the plant. What we're doing is talking about essential services in the public sector, which is a whole different thing and one we do have to protect. That's why we have a separate piece of legislation here, separate from the Labour Relations Act.

Mr Stockwell: So in fact the private sector can then deem who they want to work during a strike and whoever they decide has to work has to come into work. Is that what you're saying?

Mr Cooper: There are negotiations and they agree on who will cross, just like here. There will be an agreement between the two parties and they will determine who will be essential and who will go into work.

Mr Bradley: My question to the parliamentary

assistant is, how does one determine the final outcome of that discussion if both sides are at loggerheads and agreement can't be reached?

Mr Cooper: Either party can apply to the labour relations board.

Mr Stockwell: Just to give you a case in point, with respect to the strike that's taking place now at MFM, who negotiated those people? As far as I can see, the entire stores are closed down.

Mr Cooper: I don't understand what you're talking about. The stores are closed down, agreed, because they're out on a legal strike, and there was nobody asked to come in and perform essential services in the stores.

Interjections.

The Second Deputy Chair: Order. The member for Willowdale has the floor.

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Mr Harnick: I think we're getting answers that are not anywhere close to correct, because the fact of the matter is that under this piece of legislation, the employees that are required are able to provide the essential services. In other words, if you go back to section 22, one of those essential services may be to keep the courts up and running, fully operational. The courts keep going because it's an essential service; that keeps running. Why is a private employer whose employees are on strike not allowed to bring in people to keep his business going? It's a total double standard. What you have here is totally different from what Bill 40 permits. Why is that?

Mr Cooper: I might remind the members that manufacturing and keeping the courts going are two different things. I would suspect that keeping the courts going is essential; keeping manufacturing going is not essential in a strike or lockout situation.

Mr Stockwell: Essential to whom? Essential to the guy who owns the manufacturing plant? I think it's fairly essential to him. What about the customers he services? I would assume that's fairly essential.

Hon Elmer Buchanan (Minister of Agriculture and Food): That's free enterprise.

Mr Stockwell: It's what they call free enterprise. I say to the Minister of Agriculture and Food, who looks mighty comfortable here, that these are essential services. You deem what is essential. What you've done is deem what you provide is essential and insist that people cross the picket lines, but you're not allowing the private sector that same right.

Say someone is manufacturing an item—a drug for hospitals. This is a private operation. He's got to live under this bill you have. As to these drugs he provides to hospitals, some people, particularly the ones taking it, may think this is somewhat essential. Who makes a decision on those?

Mr Cooper: I think we're really getting off track. When you look at the province of Ontario as an employer, we are servicing all the people in the province of Ontario. I don't think there's any other employer in the private sector that services the whole province; there

are always alternatives.

I think this whole debate is just getting a little carried away. If you look at it, there's not a province or a federal jurisdiction that doesn't have the same type of legislation, one for private sector and one for public sector.

Mr Harnick: The only reason the parliamentary assistant says we're getting off track and that the debate is getting off track is because he is caught trying to explain the double standard that exists in this bill and he just cannot do it. That's why we're getting off track. We're getting off track because what's sauce for the goose is not sauce for the gander as far as New Democrats are concerned.

If you're in the private sector, you have certain rules and you have to abide by them, but if you're in the public sector you can avoid those rules, rewrite the rule book and do something totally different. It's quite obvious that the government here is legislating very separate rules for itself than it was prepared to legislate for those people who create wealth and who create jobs and who pay the taxes in this province. I remind the parliamentary assistant that the government doesn't pay the taxes; the private enterprisers and those who work for them pay the taxes.

Mr Bradley: I wanted to ask the parliamentary assistant, if I may, what notification has been given to the public that this legislation is going through this House, particularly this provision and other provisions? I'm sure if the public knew what was happening in this House as we rush towards Christmas, they would be, at the very least, extremely interested in what this government is doing right now. What notification have you given?

Mr Hope: This has been in front of the public's eyes for years.

The Second Deputy Chair: Order. Does the member want the floor?

Mr Hope: No, I'm doing quite well.

The Second Deputy Chair: Further debate?

Mr Stockwell: I'd like to know if you've defined yet what are essential services and what aren't.

Mr Cooper: In section 22 of the bill:

“essential services” mean services that are necessary to enable the employer to prevent,

“(a) danger to life, health or safety,

“(b) the destruction or serious deterioration of machinery, equipment or premises,

“(c) serious environmental damage, or

“(d) disruption of the administration of the courts or of legislative drafting,” as per the amendment.

Mr Stockwell: You can give a broad explanation like that and practically any ministry, any job, anyplace can fall into that broad category. My question is, have you defined specifically what services are offered that will fall into this unionization that are defined as essential?

Mr Cooper: I don't understand what he means by unionization. The essential services are laid out quite clearly, and basically all we're doing is talking about a small drafting amendment to the legislation that was

introduced in June 1992.

Mrs Caplan: Perhaps I can be a little helpful for this debate. It's my understanding, and one of the concerns I've had about this Crown Employees Collective Bargaining Act is that I do believe it ties the hands of the employer and makes it very difficult for the government, and future governments, to manage. The definition of "essential service" and how that is arrived at is just one of those examples.

The member for Etobicoke West is quite correct. This legislation has a very broad and general definition and it leaves to negotiations with the unions the definitions of the specifics of who would be covered by "essential services."

It's always been my view that it would have been much better to have clarified in advance what you meant by "essential services." It is something that I don't personally believe should be left to negotiations, unanswered before the legislation goes forward.

I suggest these comments to be helpful, because in his response to the last speaker, the parliamentary assistant attempted to suggest that in fact everything was definitive and was in place and there were no problems. The reality is that what this legislation does is put in place a process for negotiation and discussion around what is an essential service. We know that that has to be in place before the other provisions of the bill kick in, but we also know that it is cumbersome, it is difficult, and I don't believe it protects the public interest. Therefore, the question from the member for Etobicoke West I think is a very legitimate one.

Mr Cooper: As all members will recall, under Bill 40 there was wide consultation on what were going to be essential services in there, and basically what we've done is that we've expanded that list to cover more things, such as the disruption of the courts and legislative drafting. So there has been consultation going on in trying to define what essential services were, and I might remind the members that it's the two parties, the employer and the employees, who have to sit down and determine the number of employees who will be designated as essential.

The Second Deputy Chair: Mr Cooper has moved an amendment to section 24. Is it the pleasure of the House that the motion carry? Carried.

Shall section 25, without amendments, carry? Carried.

Government amendment to section 26, parliamentary assistant.

Mr Cooper: I move that subparagraph iv of paragraph 2 of section 26 of the bill be amended by adding at the end "or of legislative drafting."

Basically, all this does is mirror the language changes in sections 22 and 24.

The Second Deputy Chair: Further debate? Is it the pleasure of the House that Mr Cooper's amendment to section 26 carry? Carried.

Further amendments to section 26?

Mr Cooper: I move that paragraph 5 of section 26 of the bill be struck out and the following substituted:

"5. which employees will be required during a strike or lockout to work to the extent necessary to enable the employer to provide the essential services."

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The Second Deputy Chair: Mr Cooper has moved an amendment to section 26. Opening remarks, comments or debate? Is it the pleasure of the House that Mr Cooper's amendment to section 26 carry? Carried.

Shall section 26, as amended, carry? Carried.

Shall section 27, without amendments, carry? Carried.

Government amendment to section 28; Mr Cooper.

Mr Cooper: I move that subsection 28(2) of the bill be struck out.

The Second Deputy Chair: Debate, discussion or questions? Is it the pleasure of the House that Mr Cooper's amendment to subsection 28(2) carry? Agreed.

We have further amendments to section 28; the Progressive Conservatives.

Mr Turnbull: No, Mr Chair.

The Second Deputy Chair: We have been provided with some amendments which may have been withdrawn.

There is confusion about Mr Turnbull's amendments. We have copies of amendments to subsection 28.20(2), 28.22 of the bill and 28.23(2) of the bill.

Mr Turnbull: That is withdrawn, Mr Chair.

The Second Deputy Chair: Thank you.

Shall section 28, as amended, carry? Carried.

Shall sections 29 to 33, inclusive, carry without amendments? Carried.

We now have a government motion to section 34; the parliamentary assistant.

Mr Cooper: I move that section 34 of the bill be struck out and the following substituted:

"Application re meaningful bargaining

"34(1) A party to an essential services agreement may apply to the Ontario Labour Relations Board for a determination as to whether meaningful collective bargaining has been prevented because of the agreement.

"Same

"(2) No application may be made until employees in the bargaining unit have been on strike or locked out for at least ten days.

"Same

"(3) The board shall consider whether sufficient time has elapsed in the dispute between the parties to permit it to determine whether meaningful collective bargaining has been prevented.

"Deferred decision

"(4) The board may defer making a decision on the application until such time as it considers appropriate.

"Interim order

"(5) The board shall not make an interim order containing rates of wages or other terms and conditions of employment except as provided under section 35.

"Orders

"(6) The board may

“(a) direct the parties to continue negotiations for a collective agreement;

“(b) direct the parties to confer with a mediator who will endeavour to effect a collective agreement;

“(c) order that all matters remaining in dispute between the parties be resolved by a mediator-arbitrator;

“(d) order that all matters remaining in dispute between the parties be referred to an arbitrator or to a board of arbitration for final and binding arbitration;

“(e) require that the arbitration referred to in clause (d) settle the collective agreement by final offer selection;

“(f) amend the essential services agreement to reduce the number of employee positions or to reduce the number of employees in the bargaining unit that are designated as necessary to enable the employer to provide the essential services;

“(g) give such other directions as the board considers appropriate.

“Deeming

“(7) If an order described in clause (6)(d) is made, the parties shall be deemed to have irrevocably agreed in writing under section 38 of the Labour Relations Act to make the referral in accordance with the order.

“Amendment to agreement

“(8) If the board determines that meaningful collective bargaining has been prevented because of the essential services agreement, on an application under this section or subsection 28(5) or 30(1) the board shall not amend the agreement to increase the number of employee positions or to increase the number of employees in the bargaining unit that are designated as necessary to enable the employer to provide the essential services.”

The Second Deputy Chair: Mr Cooper has moved an amendment to section 34. Discussion, debate, questions or comments?

Mr Harnick: I have some remarks dealing with section 34. May I, at the outset, say that section 34 is probably one of the stupidest, most ill-conceived sections in an act that I have yet seen this government produce, and I've seen some pretty stupid things from this government.

Mr Bradley: That lets a lot of sections off the hook.

Mr Harnick: Yes, that lets a lot of sections off the hook, but this one is really very interesting. The reason I say that is because if you take a look at the bill as originally printed, section 34(1) of the bill as originally printed states:

“A party to an essential services agreement may apply to the Ontario Labour Relations Board for a determination as to whether, because of the essential services agreement, meaningful collective bargaining is prevented.”

Subsection (2) says, “The board must make its determination in accordance with the regulations made under this part.”

Subsection (3) says, “If the board determines that meaningful collective bargaining is prevented, the parties shall be deemed to have, on the day of the determination, irrevocably agreed in writing under section 38 of the

Labour Relations Act to refer all matters remaining in dispute between them to a board of arbitration for final and binding arbitration.”

What this bill now is effectively saying is that if you have a breakdown and there's some issue as to whether meaningful collective bargaining has been prevented, the very next thing that has to happen before you can get to binding arbitration is that they are mandating that you must have a strike, that you have to have a strike before you can get to the binding arbitration aspect of this. Nothing could be more illogical than that.

Let me go on, because this particularly affects the Ontario Crown Attorneys Association and the Association of Law Officers of the Crown, who represent over 900 lawyers and they collectively bargain with the government under a framework agreement which contains a mandatory binding arbitration provision.

With the government moving these amendments to Bill 117 amending the Public Service Act and the Labour Relations Act and making related amendments, this will affect the collective bargaining rights between lawyers and the government. I'm only talking about lawyers who work for the government.

Interjections.

Mr Harnick: No. I told you, there are 900, not 75,000. The member says there are 75,000. If there were 75,000 it would show you're mismanaging this province even worse than you really are.

What happens is that binding arbitration is the current way in which the lawyers that are employed by the Ministry of the Attorney General resolve disputes which arise in collective bargaining. As a further result of these amendments, in the event of an unresolved dispute in the collective bargaining process, lawyers have to vote go on strike before they have access to the dispute resolution mechanism that's built into the bill.

The very interesting aspect to this is that during the course of consultation by the Ministry of Labour with the two associations—and I'm referring to the crown attorneys association and the association of law officers—the requirement to go on strike prior to access to potential arbitration was never, ever raised.

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I know the parliamentary assistant is going to get up and say they consulted widely with everybody under the sun. The reality is—and I believe the crown attorneys association and the association of law officers of the crown over anything this government tells me, and they represent all of the lawyers who are affected by this provision—they were never consulted about it prior to this amendment. I can tell you, I think this amendment came today. Today or yesterday was the first time anybody ever saw it. I can't conceive of why the government is blasting this piece of legislation through without even discussing it with their own employees, who don't want to be forced to go on strike, who want the opportunity just to seek the binding arbitration provisions they already have.

The other aspect that really puts these lawyers in a very difficult position is the rules of professional conduct

of the Law Society of Upper Canada and what in effect those rules say. Those rules require lawyers not to withdraw their services from clients except for good cause and upon notice, and further require lawyers to make legal services available to the public. Lawyers are employees even though they're members of the law society, and they have a primary obligation to their clients. In this case, the client is the public through service to the government of Ontario, so they are being put in a very, very difficult position.

I have a letter from the Law Society of Upper Canada dealing with this very issue. What the letter effectively says is that the society's special committee on proposed changes to the Labour Relations Act made a seven-page submission going back to March 1992. This letter was written to a fellow by the name of Richard Prial, who is evidently a project manager with the Ontario Ministry of Labour. This is a letter dated February 19, 1993, from the Law Society of Upper Canada, and it goes on to say:

"The question of lawyers who are crown employees acquiring the right to strike as part of the collective bargaining process is addressed in the following paragraphs taken from page 7:

"The Law Society of Upper Canada makes no submission with respect to the extension of rights to organize and bargain collectively to qualified lawyers employed in a professional capacity who are crown employees. It is assumed, however, that the extension of such rights would be governed by legislation similar to that applicable to other crown employees and that the right to strike would be prohibited. The Law Society of Upper Canada submits that crown attorneys in criminal proceedings or civil attorneys who represent the government in other matters should not be given the right to strike," and they do not want the right to strike. "The impact on citizens and the administration of justice and the necessary delays which would result from concerted strike action by this group would be an unacceptable burden on courts, tribunals and the public. However, the extension of collective bargaining rights to such professionals and the establishment of an interest arbitration dispute resolution mechanism for such a group, in our respectful submission, is properly a matter of government policy."

It's quite obvious, I say to the parliamentary assistant, that when you look at the proposed amendment to section 34, the advice from the Law Society of Upper Canada has totally been ignored and what you've effectively done is put the lawyers who work for the government in a catch-22 situation. They are now going to be in breach of their rules of professional conduct by having to attorn to the legislation that you're now writing. The letter goes on to say:

"The reasons for distinguishing crown employed lawyers from others primarily relate to the fact that the government of Ontario is the exclusive client and employer of these lawyers. The government is also in a unique position as a public service provider. The extension of rights to organize and bargain collectively therefore is a decision which can be made without unduly affecting the client because the government is the exclusive client served by the group of professionals to whom

collective rights would be extended. While the Law Society of Upper Canada would understand why the government as client might decide not to extend such rights to lawyers, the Law Society of Upper Canada also believes that the government is in the best position to determine its own policy with respect to professional employees, employed by the crown."

What they're saying is, if you think they should be a union, go ahead and make them a union, but don't make them go on strike because they cannot do that. It's against the rules of professional conduct. They are hired to serve the government, which means they're hired to serve the public, and lawyers are not allowed to withdraw services arbitrarily.

The letter goes on to say, "The law society understands that the Ontario Crown Attorneys Association and the Association of Law Officers of the Crown have no objection to acquiring the right to bargain collectively." That should make you all very happy. The law society says that in terms of bargaining, what you're doing is right. "Their concern is that, if no agreement can be reached between the government and these two groups, all outstanding issues would be resolved through binding arbitration as opposed to by a strike. The law society appreciates their concern and recognizes that they do not wish to have their professional duties interfered with which would logically follow were there a strike.

"I trust this is of some assistance to you,

"Yours very truly," and it's signed by Allan M. Rock QC, the then treasurer of the law society, who's now the Minister of Justice in Ottawa.

What you are effectively doing in your haste to push this through is adding a section that lawyers cannot abide with. You are putting lawyers in a catch-22 situation. They cannot abide by this piece of legislation. You are making it impossible for them to carry on their service to the public while they're employed by the government of Ontario. They didn't want this right to strike.

There should be an exception made so that they avoid this, and you've got probably 24 hours till we ram this through at third reading. I would urge the parliamentary assistant to go back to the minister and review this section because it is not right. It is just absolutely clear when you see a section like this that there has been no consultation. You're doing something that's clearly wrong. You're putting these lawyers who are your employees in an untenable situation, and it's just obvious that the only reason this amendment is here is because you haven't given this section any thought. It's just absolutely blatant that all you want to do is ram this through.

As I said before, you're going to create rules that are good for you, but rules that you wouldn't even listen or talk about when we dealt with Bill 40, a similar labour bill. I would urge the parliamentary assistant to withdraw the amendments to section 34 immediately.

Mr Cooper: In response, I find it somewhat passing strange that the law society would unilaterally impose on their lawyers what they can and cannot do in this situation. If you look at the right to strike that's laid out, it's

been very broadly interpreted. They don't have to withdraw their services. Basically what they could do are things like work to rule and not take on new clients, —

Mr Harnick: That's not what it says.

Mr Cooper: —which would be an alternative for them rather than going out on a recognized strike and withdrawing total services.

Under the way it was written previously, there's no provision to make sure that they do bargain or have been in collective bargaining. Now what it is, with the necessity of a 10-day strike, is that they would have to go out on strike, in which case it would be proven that they did bargain beforehand, whereas before there was nothing guaranteeing they would bargain; they could just go straight to arbitration.

As for the crown employees, it's obvious through our amendment about the disruption of courts that we did find that they are essential, and that's why we've passed some of the amendments we have.

Mr Harnick: What the parliamentary assistant says is absolute, total, unadulterated, idiotic nonsense. Do me a favour. Pick up your piece of paper that says section 34 on it. Take a look at subsection 34(2). I'll read it to you as slowly as I can read.

"No application"—that means none—"may be made until employees in the bargaining unit have been on strike"—means they have to be on strike before they can make an application—"or locked out for at least ten days." So here you are in section 22 saying that they're essential and they can't disrupt, and here you are in section 34 saying that before they can get access to their mediation or arbitration, they've got to go on strike.

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It just doesn't make sense, and the people sitting in front of you can tell you every combination and permutation of ways to get you out of this one, but it doesn't exist. This is absolute nonsense. You've got a chance now, because we're not going to ram this through until probably 3:30 tomorrow, so we've probably got about 20 hours—no? How many?

Mr Stockwell: About 18.

Mr Harnick: About 18 hours. You've got 18 hours to come back with something that makes sense. But you can't say in section 22 that they're an essential service and then in section 34 say the only way that you can do this is to go on strike; that's the only way you're going to get your arbitration process through. It just doesn't make sense.

The fact of the matter is that you can stand up and say to me, Mr Parliamentary Assistant, "Well, you know, the crowns who have to go into the court to prosecute the cases, they're the essential service, but those who are doing the work in the background aren't essential," so that some keep working and some don't keep working. The whole system breaks down if the crowns in the back rooms, so to speak, who are reviewing the charges, doing the research, doing the screening process, are taken out of the system. The whole system breaks down and you end up in another Askov situation.

I remind the parliamentary assistant and the two

advisers that he has from, I suspect, the Ministry of Labour or Management Board that your own Attorney General is now considering the Martin report. The Martin report, which will streamline the operation of the criminal courts, specifically provides recognized duties for those crown attorneys who aren't in the courtroom and says that they are the most integral part of the process. That is the place where charges are screened, where fact situations are reviewed, where disclosure is made, where trials are avoided and where pleas are arranged so that the system doesn't break down by being overloaded and we don't get another Askov situation.

So you've got 18 hours to scrap this amendment or at the very least make it consistent with what you're saying in section 22, because you can't have the courts break down. All you're asking for in section 34 is the courts to break down.

The ironic thing about the whole thing is that the lawyers don't want to strike. They don't want to be put in the position where they have to strike. Don't make them go on strike just because that's what the NDP believes in. The NDP believes in strikes, so it's making people go on strike to get to arbitration, to get to the binding arbitration aspect of it. It just doesn't make sense. It's so illogical, it's so stupid. I apologize for using that word, but it's absolutely stupid, and anybody who conceived this has to be a moron. There's just no other way to describe it, and anybody who could advocate this is just as big a moron as the person who wrote it. So you've got to get rid of it. It just doesn't make sense. It's just totally illogical. There's not a person in this room who can read these sections and come to any other conclusion. It's just impossible. Anybody who—well, maybe I'm giving you a little too much credit. I'm assuming everybody can read. But the fact of the matter is you've got 18 hours to scrap this, and it's just ridiculous.

Mrs Caplan: I know that the member for Willowdale's excessive rhetoric may be getting in the way of some thoughtful debate on this, and I'd like to ask the—

Mr Stockwell: Ms Thoughtful Debate herself.

Mrs Caplan: The parliamentary assistant, I think, should consider the following, because I listened very carefully to his response to the first comments from the member for Willowdale.

It seems to me that the whole intent of this legislation, which I think is questionable to begin with, but the whole intent of revisions to the Crown Employees Collective Bargaining Act is to expand the rights of civil servants to give them the right to strike, to give them the opportunity for collective bargaining in a way which the New Democratic Party feels is better for them, whether they want it or not.

But we have a situation here where we have crown law officers and lawyers who are part of a professional, self-governing profession, who have clearly stated, as a matter of professional conduct, that their members are prohibited from going out on strike. Yet we have government legislation which is saying that those lawyers who are not declared essential services under this legislation must go out on strike before they have access to collective bargaining arbitration which they presently have today.

It's not just a catch-22 situation, as I see it. This is actually taking away the rights crown employees presently have to live up to their professional obligation. They have no desire today to have the right to strike. They're quite satisfied with the process through the provisions of existing legislation to mediation and arbitration. Those rights were hard-fought-for by that professional body, and today we see a piece of legislation which is taking away their rights and forcing them to do something which is unprofessional if they want access to arbitration and the arbitration process.

I can understand the member for Willowdale's anxiety. As a lawyer, he understands the professional obligations imposed on lawyers by the law society. He knows that lawyers are part of a self-governing profession and that it is professional misconduct for them to go against the requirements of their profession.

I would suggest to the parliamentary assistant that, while he might want to discard some of the rhetoric we have heard, he listen carefully to the argument. I think it is a very legitimate argument that says you are placing lawyers in the employ of the government, crown officers, in an impossible situation where, in order to have their due and collectively bargain in a rational way and have access to mediation and arbitration and all of those things which they have today, in order to have access to that they must defy their professional body, the Law Society of Upper Canada. They must defy that body and go out on a strike, which is considered unprofessional.

I would suggest to the member that he consider very carefully the representations that have been made by the law society about what is and is not professional responsibility of lawyers. I know there are many lawyers in the province of Ontario today who feel that the New Democrats don't like lawyers. This piece of legislation, if it goes through as it's presently drafted, will give them additional ammunition.

I say to the parliamentary assistant quite seriously, without a lot of rhetoric, to please consider what you're doing. I'll say to him that there are many parts of this legislation that will have to be changed by future governments. Certainly this is one which is unfair to your employees, unfair to the lawyers who work for the government, and it is bad legislation. You have some time to make some changes, and I would suggest that you reconsider this.

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Mr Harnick: I'm just standing to say what a good speech that was from the member for Oriole. I appreciate those comments from someone who is not a lawyer, looking at this situation from maybe a little further away than I'm coming from. I'd like to say it's one of the very few speeches I've heard from the member for Oriole that was not full of rhetoric—as she chuckles. I say in all sincerity that I appreciate the fact that she's made those very clear and concise remarks and that she essentially agrees with the remarks I put on the record.

I understand now, through the member for Etobicoke West, who's had some discussions with the parliamentary assistant, that the real issue here is the definition of "strike."

The parliamentary assistant seems to feel that a strike may be starting 15 minutes late every day or leaving 15 minutes early or taking longer coffee breaks, but I don't think the recognized judicial interpretation of strike is anything other than what everyone knows a strike is, and that's leaving the service of your employer. In this case, it's lawyers acting on behalf of the public withdrawing their services, because that is the judicial definition of a strike, particularly when they use the word "strike" in conjunction with the word "lockout." "Lockout" doesn't mean that the employer gives you 15 minutes less for your coffee break; it means that the doors are locked and you don't come to work at all.

I cannot subscribe in any way to the ridiculous definition of "strike" that the parliamentary assistant has conveyed through the member from Etobicoke to me. Quite frankly, I think it would be a very, very irresponsible thing to pass this amendment to section 34, because all it is doing is forcing a group of people who don't want the right to strike to go through a period of strike in order to get their binding arbitration.

I don't think that is at all fair; furthermore, it puts those same employees in a conflict with the rules of professional conduct as prescribed by the Law Society of Upper Canada. Effectively, those rule say that lawyers cannot withdraw their services arbitrarily from those they are serving. They can't let their own personal interests, which might be to get more money if they were in the middle of a negotiation with the government—it's contrary to the rules of professional conduct for a lawyer's personal interests to stand in the way of the client he serves.

In this case, it's the government of Ontario that these lawyers serve as their client indirectly; directly, it's the public these lawyers serve. They do not want to be put in a position where they are forced, without it being their will, to withdraw their services to the public they serve, and serve very well, I might tell you.

I think the parliamentary assistant and the minister should seriously consider what they're doing to this group of very professional public servants.

Mr Turnbull: All I can conclude is that collective amnesia has set in with the government members. I don't have the exact quote and I'm going from memory, but it ran something like this: When Bob Rae formed the government in 1990, he said, "We'll make mistakes, but when we make mistakes, we'll admit it."

Under any concept, one would have to conclude that the government has goofed here. Clearly, what it is doing is writing legislation which would force these employees into a breach of the rules of conduct of their association. Is that seriously what the government wants to do? I'd like the government to just 'fess up and tell us: Is it your intention that you want these lawyers to break the rules of professional conduct? Otherwise, please admit you've made a mistake and you'll fix it. There are only two possible alternatives.

I know the parliamentary assistant has suggested, "They can just work slowly," but read the section, sir. Read it and you can only come to the conclusion, if you read it, that you have to strike. Under those circum-

stances, I would suggest that surely to God you're not really wanting to put these people into a conflict, but please tell me, do you want these people to be forced into a professional misconduct, or have you made a mistake and you're going to fix it? One or the other.

Mr Cooper: If I may refer to the Labour Relations Act, under "strike," it says, "Strike includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slowdown or other concerted activity on the part of employees designated to restrict or limit output." That is the rule of strike.

What we're saying is that the lawyers don't have to withdraw their services from a client they have already; we're saying don't take on new clients. That wouldn't put them in a compromising situation. I might remind the members also that they do have access to voluntary interest arbitration under this act.

Mr Stockwell: Section 34, the amendment, deals with essential service agreements, is that correct?

Mr Cooper: Essential services are included in here, but basically what they're talking about is the way to get to arbitration as a backstop. What we want is the right to strike in line with the Labour Relations Act, which we agree with, and then the fail-safe provisions where you could have final offer selection or binding arbitration or mediation-arbitration.

Mr Stockwell: I understand that much. I ask you directly, are the parties we're speaking about now considered an essential service?

Mr Cooper: If you're referring to crown attorneys, as was brought up by the member for Willowdale, they are included under essential services. In response to one of the issues he raised about the crown attorneys who aren't in the courtroom, if they're necessary to avoid the disruption of the court, then they will also be deemed as essential services.

Mr Stockwell: Okay, now we've established the fact that they're essential services. Crown attorneys, we've established, are essential services. This is debatable now.

Mr Cooper: There will be only a certain number that will be deemed as essential services under the essential services. That will be negotiated between the employer and the bargaining agent, how many will be deemed as essential services. We are not saying that 100% of them will be deemed as essential services.

Mr Stockwell: We're then suggesting that not all crown attorneys will be essential services. Some portion of crown attorneys will be essential services. Let me just get this straight. You're suggesting that not all crown attorneys are essential services, just the ones who end up in litigation in the courtroom itself?

Mr Cooper: The essential services are laid out, and it'll be whoever is necessary to avoid the disruption of the courts. That will be between the employer and the employees, and the labour board if they can't agree.

Mr Stockwell: I welcome the new Chair here, Madam Chair.

I put this question: We have not made this determina-

tion and it's open for negotiations; we are now going to negotiate which crown attorneys are essential and which crown attorneys are not essential, is that correct?

Mr Cooper: Yes, and the thing that will be brought into consideration is to avoid disruption of the courts.

Mr Stockwell: Okay. Now we've determined that to avoid disruption of the courts, we're going to determine which crown attorneys are essential and which aren't.

The next question is, assuming that we've made that determination, you're suggesting to us that if these crown attorneys would like to strike, withdraw services, slow down etc, they must do that before they can make application; in bargaining units, there'd have to be a strike or lockout for at least 10 days, these non-essential crown attorneys. Is that what you're suggesting?

Mr Cooper: That's correct.

Mr Stockwell: Okay. Therefore, has anybody in your ministry told you that they believe there are such things as non-essential crown attorneys?

Mr Cooper: Nobody has directly told me that because they haven't sat down and bargained that; that's part of the bargaining process. They will sit down and determine who would be deemed essential and then they would determine who is not essential.

Mr Stockwell: He's getting an update, so I'll let him get the update; maybe he'll learn. I guess the question is, has anyone given any thought to the fact that there may not be any non-essential crown attorneys?

Mr Cooper: In their preliminary deliberations, they've determined that there would be a fairly large number that would be deemed as essential services, somewhat the same way they have done in corrections, where there'll be a fairly large number that would be deemed as essential but they haven't deemed that 100% would be essential.

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Mr Stockwell: But you met with the crown attorneys to ask them whether or not they consider all or just some of their crown attorneys essential.

Mr Cooper: I personally haven't. There was a meeting between myself and the lawyers that was set up, but I was supposed to be on House duty at the time, because we thought Bill 117 would be coming in the House during the day when we had the threat. My executive assistant was there at that time, but no, I haven't personally sat down. We do have the understanding that there has never been an agreement here between the crown attorneys and ourselves.

Mr Stockwell: Okay. So we're going to say a large number, 85%, of the crown attorneys, declare them essential; 15% are non-essential. Then those 15% will withdraw services for 10 days and that will get them to arbitration. Is that this complete portfolio? That's basically the professional approach you're asking the lawyers to take?

Mr Cooper: Somewhat. First of all we aren't deeming; it will be negotiated how many are essential. Then they would go to the Ontario Labour Relations Board and the Labour Relations Board may not deem that arbitration

is necessary and that free collective bargaining can proceed, in which case they would continue to bargain. They wouldn't get arbitration at that moment.

Mr Norman W. Sterling (Carleton): I can't believe this. What it comes down to then, as I understand it, is that 15% of the lawyers are then going to have to carry the burden for all of the lawyers in order to get to the next stage of the process. Why, if you're including only 15% going through the striking process, bother at all? Why have this kind of a structure, if in fact you're going to throw the burden of the 900 lawyers on to 200 to take the hit in order to get to the next stage of binding arbitration? Do you think that's fair? You're asking 150 to 200 lawyers out of the 900 to go without pay for 10 days while their compatriots, the other 700, go with full pay in order to get to the next stage of the process. Is that what you're asking these 150 to 200 lawyers to do on behalf of their colleagues?

Mr Cooper: If they choose to organize and bargain on the full range of things, that's exactly what would happen. There are other options they can follow.

Mr Turnbull: Following that logic, you are asking that 15% to then be in breach of their rules of professional conduct. The parliamentary assistant is nodding his head and saying no, but how can you possibly read it that way? If they go on strike, they are in breach of their professional rules.

The other aspect I want to speak to is the fact that you read out a definition as to what you call a strike. The fact is that if you're withdrawing your services in any way, which can be a slowdown, which is considered to be withdrawing services, you're striking. If you're withdrawing your services, that is professional misconduct.

You're trying to slide one way and then the other. Either way—it doesn't matter which way you slide—you're wrong on this one, because they are deemed to be in breach of their rules of conduct, if they strike, that 15%; or if you apply it to all of the group and you're saying they're slowing down, that is in breach. That is deemed to be withdrawing services. Under those circumstances, they are in breach of the rules of conduct of their association. Both ways, you're putting these people in an untenable situation.

I want you to tell me, if these people are in contempt of court for being on strike, what exactly do you propose that these people should do in their professional lives?

The Acting Chair (Mrs Margaret Marland): Do you care to respond, Parliamentary Assistant?

Mr Cooper: I think this has all been covered and I think what we've done is we've reached an impasse. We aren't asking people who are deemed as essential services to disrupt the courts. If it's negotiated and they're essential services, they will continue to work. That's the agreement, because it's a negotiated agreement.

Mr Turnbull: That answer isn't satisfactory, because if you are saying that you are having 85% who are deemed to be essential services, that other 15% of people who you're saying have to bear the burden of having to go on strike—I'm sorry; even if it's 1% and they go on strike, those people are in breach of their rules of con-

duct. Even if it was 1%, and you're saying 15%, what are you proposing that these people should do in terms of their professional career when you're saying you are going to force them into a strike which is a breach of the rules of conduct?

Mr Cooper: I think, as one final response, I've said it and I've said it often enough—

Mr Turnbull: No you haven't.

Mr Cooper: —what we're doing is we're not telling them to withdraw services from clients they already have; what we're doing is telling them not to take on new clients, in which case they wouldn't be in breach. I think they can keep asking this and asking this in 10 different ways and they'll get the same response. They wouldn't be in breach if they just refused to take on new clients but still represented the clients they had.

Mr Sterling: So you're saying that if the government is being sued by somebody outside and a new file comes in to this lawyer who is non-essential, you'd say, "Okay, let the days go by when you have to respond to that suit, lose the suit as a result of not taking action." Is that what you're telling us, not to take on new files? Pardon me? I didn't hear your answer.

The Acting Chair: Parliamentary Assistant, do you wish to respond?

Mr Sterling: Can a lawyer not pick up a new file in order to defend the government of Ontario if somebody sues the government of Ontario?

The Acting Chair: Further debate on the amendment to—

Mr Sterling: I asked a question and I'm going to continue to ask the question until I get a response.

Mr Cooper: It's not question period.

Mr Sterling: I'm sorry, but this is the committee of the whole House. The response you have given is that you cannot take on a new file and therefore you want to put the government in jeopardy if it is being sued because they're on strike. Is that correct or is that incorrect? Yes or no?

Mr Bradley: And to think they're in charge of 10 million people.

Mr Cooper: Once a collective agreement is signed, then they can take on the case.

Mr Stockwell: This is unbelievable. I mean, these people are responsible, as the member for St Catharines said, for 10 million people. This is absurd. It's just actually scary; it's mind-boggling. Think about this, Parliamentary Assistant. I say with the greatest of respect that if a file is placed on the desk of a lawyer who's claimed to be non-essential and he's got to file a defence against a lawsuit, if he's deemed to be slowed down or working, or whatever you call it, cessation, you're telling me that he doesn't file a simple defence for a lawsuit because he's on strike. Is that what you're suggesting is going to happen?

The Acting Chair: Does the parliamentary assistant wish to respond? There's no requirement for the parliamentary assistant to respond.

Mr Stockwell: I understand there's no requirement. I

also know the Minister of Housing walked by and told him not to respond any more. That's something they can do. But I ask this member very, very clearly, the difficulty about writing legislation is that yes, you have to deal with hypothetical situations, because that's what legislation is all about, and you must deal with those hypothetical situations. If they happen to come along, we need to ensure the legislation we write covers off all eventful or uneventful happenings. I ask the parliamentary assistant again—

Mr Turnbull: Or staff.

Mr Stockwell: Or his staff, exactly. The staff can answer this one; they're probably well briefed on this. If you've decided to work your slowdown—and that seems to be about the only thing you can do, because you can't ask 15% to go on strike for the benefit of 100%—if you've decided to slow down in your work and you say a lawyer will not take on any new files, if a file is placed on the desk and a simple defence needs to be filed, you're suggesting that they not file that defence on behalf of the 10 million or 11 million taxpayers in this province and just simply let what happens happen?

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The Acting Chair: Parliamentary Assistant? Further debate on the amendment to section 34? There's no further debate on the amendment to section 34 of the bill.

All in favour of this motion? Shall the motion carry? Carried.

Interjections.

The Acting Chair: I would like to clarify for the House that there has been prior agreement to have only voice votes on the government amendments and that the votes for the opposition amendments would be stacked.

Mr Harnick: On a point of order, Madam Chair: My understanding was that we would be stacking all of the opposition amendments and voice-voting the government amendments, and if there were any divisions we could divide on them, but we would be stacking them with the other issues.

Mr Stockwell: What's the big deal?

Mr Harnick: They're saying we can't now.

The Acting Chair: Member for Willowdale, I will read the agreement, which reads as follows:

"Before we call the first bill before the committee, there are a number of matters which the House leaders have agreed to which I will seek the consent of the committee of the whole to deal with.

"Firstly, that all the amendments to the bill will be read into the record at the time they're moved, but that we have an agreement that we will dispense with the re-reading of those motions when the questions are put.

"Secondly, Chair, that you will see that divisions on each of the opposition motions but that there will simply be voice votes on the government motions."

Mr Harnick: I can understand how we would have—I mean, it's very nice of the government to say automatically every one of our amendments will be voted on by way of division tomorrow, but it seems to me that this agreement does not say that we are not permitted to vote

or to divide on a particular item; it only says that it's automatic that every opposition motion will be voted upon tomorrow. All we're saying, Madam Chair, is that we can still divide on some of these issues, it just won't be automatic on every one, so that the onus is on the opposition, if we want to force a division on any of the sections on government amendments, that we have to have five people here. With respect, you're denying us the opportunity of a vote on a very difficult section. I don't think the interpretation you're giving that is the interpretation that was made when the agreement was made.

The Acting Chair: I would say in response to the member for Willowdale that there has been prior agreement made. If you would like to consult with someone else to find out what the prior agreement is that was made with your caucus, then that would be appropriate.

Mr Sterling: I haven't had an opportunity to talk to our House leader while this has been going on. The agreement understood by our House leader was that if we wanted a division, the critic could say, "We want a division," and you didn't even need five members to stand. That was it. We have indicated that we want a division, so we want a division.

May I also say that I don't even think that the government would object—and let's get on with the debate—whether we have a division or we don't have a division.

Hon Evelyn Gigantes (Minister of Housing): They're not talking about voting; they're just talking about a division.

Mr Sterling: No, we are talking about having a vote on this amendment tomorrow as it goes along. Quite frankly, the other part is, notwithstanding whatever our House leaders agreed to, if five members stand, we can have a vote. Five members stood and we're going to have a vote, and we'll have it tomorrow, if we'll agree to that.

Hon Ms Gigantes: Madam Chair, I don't believe there's a problem, if we understand what is being proposed by the Conservatives, that they wish to indicate a division. We are going to be stacking the votes by agreement and so I don't see what the problem is.

Mr Stockwell: The problem is they won't let us stack it.

The Acting Chair: This agreement that I was reading to the House was an agreement that was made in this chamber by all parties, by unanimous consent. If you wish to change what has been agreed upon, it may be achieved by, again, unanimous consent of the House to change it.

Mrs Caplan: Just have the consent and get on with it.

The Acting Chair: Is there unanimous consent?

Hon Ms Gigantes: Madam Chair, consent to what?

The Acting Chair: To stack the vote on a government amendment.

Hon Ms Gigantes: Of course. We agreed that we will stack all the votes. If they wish to stand five members to indicate a division when a division would have been seen under the agreement, we have no objection to five members standing.

The Acting Chair: I will advise the Minister of Housing that the agreement was to stack only the votes on the opposition amendments.

Hon Ms Gigantes: No, no.

The Acting Chair: I'm being advised by the clerk, who has read this in Hansard. If there's now consent that they may stack any votes on amendments either by the government or the opposition and there is unanimous consent on that—there was agreement. I am advised that there was agreement that the opposition votes would be stacked without five members standing. Now we would like unanimous consent of the House that government amendments may be stacked with five members standing.

Hon Ms Gigantes: Yes, agreed.

The Acting Chair: All right, there is agreement. Thank you. Mr Cooper's amendment to section 34 of the bill has been stacked until tomorrow.

Mr Cooper has an amendment to section 35 of the bill. Would the parliamentary assistant like to move his amendment to section 35 of the bill.

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Mr Cooper: I move that section 35 of the bill be struck out and the following substituted:

"Working conditions

"35(1) If the board determines that meaningful collective bargaining has been prevented, the rates of wages and all other terms and conditions of employment and all rights, privileges and duties of the employer, the trade union and the employees in effect at the time of determination shall continue in effect, unless the employer and the trade union agree otherwise, until the earlier of,

"(a) the date on which a collective agreement is settled; or

"(b) the date on which the arbitration, if any, authorized under section 34 is completed.

"Reinstatement

"(2) Rates of wages or other terms and conditions of employment or rights, privileges or duties referred to in subsection (1) that are altered before the board's determination following a notice under section 14 or 54 of the Labour Relations Act shall be restored and continued in effect, unless the employer and trade union agree otherwise, until the earlier of,

"(a) the date on which a collective agreement is settled; or

"(b) the date on which the arbitration, if any, authorized under section 34 is completed."

The Acting Chair: Does the parliamentary assistant wish to speak to the government amendment?

Mr Cooper: These are just consequential amendments from section 34.

The Acting Chair: Is there any debate on the government amendments to section 35 of the bill?

In favour of the amendment moved by Mr Cooper to section 35 of the bill? Carried.

Shall section 35 of the bill, as amended, carry? Carried.

Another amendment, to subsection 36(1) of the bill.

Mr Cooper: I move that subsection 36(1) of the bill be struck out and the following substituted:

"When arbitration may begin

"(1) An arbitration authorized under section 34 may not begin, except with the consent of the parties, earlier than the time determined under subsection (2)."

The Acting Chair: Do you wish to speak to that amendment, Parliamentary Assistant? Debate on that amendment to subsection 36(1) of the bill?

All in favour? The government amendment to subsection 36(1) of the bill is carried.

Mr Cooper: I move that subsection 36(2) of the bill be amended by inserting "arbitrator or" before "board of arbitration" in the first line.

The Acting Chair: Do you wish to make any comments?

Mr Cooper: No.

The Acting Chair: Any debate on this amendment?

Mr Cooper has moved, on behalf of the government, an amendment to subsection 36(2) of the bill. Does that carry? Carried.

Mr Cooper has a second amendment.

Mr Cooper: I move that paragraph 2 of subsection 36(2) of the bill be amended by adding the following subparagraph:

"iv. negotiations required by an order made under section 34."

The Acting Chair: Does the parliamentary assistant have any comments on that amendment? Any debate on that amendment?

Does Mr Cooper's amendment to subsection 36(2) of the bill carry? Carried.

The parliamentary assistant has a further amendment.

Mr Cooper: I move that paragraph 3 of subsection 36(2) of the bill be amended by adding "or" at the end of subparagraph i and by striking out subparagraph ii.

The Acting Chair: Do you have any comments, parliamentary assistant? Any debate on that amendment?

Does Mr Cooper's amendment to subsection 36(2) of the bill, paragraph 3, carry? Carried.

Shall section 36 of the bill, as amended, carry? Carried.

Section 37 of the bill: Mr Cooper, do you have an amendment?

Mr Cooper: I move that section 37 of the bill be struck out and the following substituted:

"Limitation on arbitration decision

"37. A decision on an arbitration authorized under section 34 shall not include any term relating to pensions, staffing levels or work assignments."

The Acting Chair: Do you have any comments, Mr Parliamentary Assistant?

Mr Cooper: No.

The Acting Chair: Any debate on this amendment?

The government has moved an amendment to section 37 of the bill. All in favour of that amendment? Carried.

Shall section 37 of the bill, as amended, carry?
Carried.

Mr Cooper has an amendment to section 38 of the bill.

Mr Cooper: I move that section 38 of the bill be struck out.

The Acting Chair: Mr Cooper, this motion is out of order. It is simply in order to vote against that section.

Mr Cooper: Thank you, Madam Chair. Under certain conditions, I would ask for unanimous consent to accept this motion, but due to the nature of the motions in the House, we'll just recommend that we vote against the section.

The Acting Chair: Shall section 38 of the bill carry?
Section 38 of the bill is lost.

Shall section 39 of the bill carry? Carried.

Mr Cooper has an amendment to subsection 40(4) of the bill.

Mr Cooper: I move that paragraph 4 of subsection 40(4) of the bill be amended by adding at the end "If the Lieutenant Governor in Council or the delegate does not make the selection, the chair of the Grievance Settlement Board shall select the persons to be appointed."

The Acting Chair: Do you have any comments on that amendment, Mr Cooper? Any debate on the amendment to subsection 40(4) of the bill?

Does Mr Cooper's amendment to subsection 40(4) of the bill carry? Carried.

Does section 40 of the bill, as amended, carry?
Carried.

Shall sections 41 and 42 of the bill carry? Carried.

Mr Cooper has an amendment to section 43 of the bill.

Mr Cooper: I move that subsections 43(2) and (3) of the bill be struck out and the following substituted:

"Effect of agreement

"(2) Upon receiving notice of an agreement from a party, the Grievance Settlement Board shall give effect to it to the extent that its schedule permits.

"Same

"(3) The Grievance Settlement Board shall cease to give effect to an agreement upon receiving notice from a party that the party no longer wants the agreement to apply."

The Acting Chair: Does the parliamentary assistant have any comments to make? Any debate on this amendment?

Does the amendment to subsections 43(2) and (3) of the bill carry? Carried.

Does section 43 of the bill, as amended, carry?
Carried.

Do sections 44 and 45 of the bill carry? Carried.

The parliamentary assistant has an amendment to section 46 of the bill.

Mr Cooper: As in the previous one we had, where I would have moved that section 46 of the bill be struck out, I'll be recommending that the government vote against this section.

The Acting Chair: Does section 46 of the bill carry?

Section 46 is defeated.

Shall section 47 of the bill carry? Carried.

The parliamentary assistant has an amendment to section 48 of the bill.

Mr Cooper: I move that subsection 48(3) of the bill be struck out and the following substituted:

"Exception

"(3) This section does not apply with respect to a bargaining unit established under section 21.2."

2140

The Acting Chair: Does the parliamentary assistant have any comments on that amendment? Is there any debate on that amendment? Does subsection 48(3) of the bill, the amendment, carry? Carried.

Does section 48 of the bill, as amended, carry?
Carried.

Mr Turnbull, you have an amendment to section 49?

Mr Turnbull: I move that section 49 of the bill be amended by adding the following subsection:

"Bargaining agents

"(2) Subsection (1) does not apply to the bargaining agent for employees currently employed as landscape architects, psychiatric nurses and correctional officers, who shall be given the right to select a new bargaining agent."

The Acting Chair: Does the member for York Mills have any comments on that amendment?

Mr Turnbull: This relates, as I said, to the landscape architects, psychiatric nurses and correctional officers who are currently members of OPSEU and have expressed a desire to opt out. They would like to be in PEGO but have no option to join PEGO, and this would allow them that.

The Acting Chair: Further debate? All in favour of Mr Turnbull's amendment to section 49 of the bill? The vote on that amendment will be taken tomorrow, as it has been agreed to be stacked.

The parliamentary assistant has an amendment to subsection 50(6) of the bill.

Mr Cooper: I move that section 50 of the bill be amended by adding the following subsection:

"Effect of designation

"(6) The establishment of bargaining units under section 21.2 and the designation of a bargaining agent under section 21.3 does not affect the operation of a collective agreement in force at the time of the designation."

The Acting Chair: Does the parliamentary assistant have any comments on that amendment? Any debate on that amendment? Does the government amendment to subsection 50(6) of the bill carry? Carried.

Does section 50 of the bill, as amended, carry?
Carried.

A government amendment to section 51 of the bill; the parliamentary assistant.

Mr Cooper: I move that section 51 of the bill be struck out and the following substituted:

"Bargaining

"(1) If notice to bargain is given under subsection 8(1) or 22(1) of the old act before this subsection comes into force but a collective agreement has not been made, the old act continues to apply until a collective agreement is made.

"Exception

"(2) Despite subsection (1), the parties may agree that the old act ceases to apply before the collective agreement is made.

"Exception

"(3) This section does not apply with respect to a bargaining unit established under 21.2."

The Acting Chair: Does the parliamentary assistant wish to make any comments? Further debate on this amendment? Does the government amendment to section 51 of the bill carry? Carried.

Does section 51 of the bill, as amended, carry? Carried.

Does section 52 of the bill carry? Carried.

Section 53 of the bill; the parliamentary assistant has an amendment.

Mr Cooper: We were going to move that this section be struck out, but as in previous things, I recommend that the government vote against this section.

The Acting Chair: Does section 53 of the bill carry? Section 53 of the bill is defeated.

A Liberal motion.

Mrs Caplan: In fact, I had intended as well to move that section 53 of the bill be struck out. I know the government has moved that, so it won't be necessary for me to move my amendment. I would like to move that section 53.1 of the bill also be amended.

I move that the bill be amended by adding the following section:

"Pensions not negotiable

"53.1 Pension benefits for crown employees shall not be the subject of collective bargaining, unless the parties agree otherwise."

The Acting Chair: Does the member for Oriole wish to speak to her amendment?

Mrs Caplan: I believe it's not in the public interest for the government to pursue the course it has and permit that pensions be negotiable. One of the concerns I've had with this legislation is that it ties the hands of future employers, future governments; that it permits bargaining for issues which have never been considered negotiable before. I think this sets a precedent which we should all be concerned about, simply because of the way the civil service negotiates.

There are proposed six individual and separate bargaining units. The concern about how you would begin to negotiate pensions—it seems to me my amendment is a very reasonable one. What that says is that pensions could only be on the negotiating table if both the employer and the employees agree that that be bargainable. Under this legislation, it will automatically be a right of the employees to negotiate enhanced pensions.

I don't think there's anything that makes some of my constituents angrier than what they see as a very rich pension benefit which is received by people in the broader public sector. We know there are many in the private sector who do not have pensions, and it seems to me that at a time when taxpayers are very concerned about increased taxes, at a time when they are concerned about very rich pensions, for the NDP government to make negotiations of those pensions a matter which by law is a requirement is not in the public interest.

I would ask the government, in the interest of the public, in the interest of the taxpayers, to consider supporting the amendment I have put forward, which doesn't say you can never negotiate pensions but does require consent from both the employer and the employee groups before you can have pensions negotiated. I think it's a thoughtful and reasonable approach. Never before in the history of Ontario has there been a legislative right to negotiate pensions, and now is not the time to proceed with that in a way which will bind future governments.

Mr Turnbull: Certainly it is inappropriate that this government should attempt to bind any future government, but on the other side of this argument, it is appropriate that we should give the flexibility that there can be bargaining for pensions.

The member for Oriole takes the view that this would be upward pressure on pensions. I would suggest to you that when you consider the state of finances of this province, perhaps the converse might be the case, and this is one of the few things we find some merit in in this section of the bill. Perhaps it is appropriate that that be a negotiated aspect, but it should certainly not bind any future government.

Mr Cooper: One of the whole reasons for what we're doing right now is to expand the scope of bargaining. I might remind the member for Oriole that pensions will be negotiated centrally, at the central table; they won't be negotiated at six or seven different levels.

Mrs Caplan: I feel this is a very important issue. I'd make the comment to the parliamentary assistant that all you have to do is look at the lack of success the government had negotiating at a central table the so-called social contract and you can understand why I'm concerned about the ability of the government, at a central table, to negotiate something like pensions for Ontario public servants.

2150

I'd also suggest to the member for York Mills that history has suggested that very rarely have we ever seen anything negotiated in a downward way, particularly for something which is not seen in the public eye openly and with an understanding of what exactly is being negotiated.

Something like pensions can have a huge impact on not only civil servants but on the taxpayers. I'll use this as an example: When the Conservative government in the late 1970s approved a teachers' pension plan without properly funding that plan, we know what chaos resulted for future governments which attempted to bring in legislation to correct that flaw.

What I am pointing out is, we have seen examples of governments make serious mistakes around pension negotiations. It seems to me that to legislate it, to put it into law that "You must negotiate on pensions," ties the hands of future governments and could result in the same kind of chaos as we saw result from the terrible, disastrous approach to pension funding and negotiations from the previous Conservative government.

The Acting Chair: Further debate on the Liberal motion to subsection 53(1) of the bill? Mrs Caplan has moved subsection 53(1) of the bill. Does this amendment carry? That vote will be stacked until tomorrow.

A government motion to subsection 54(6) of the bill.

Mr Cooper: I move that subsection 54(6) of the bill be amended by striking our "part V" in the second line and substituting "section 10."

The Acting Speaker: Do you have comments? Any debate on this motion? Does the government motion, the amendment to subsection 54(6) of the bill, carry? Carried.

Does section 54 of the bill, as amended, carry? Carried.

Section 55; the member for Oriole.

Mrs Caplan: It might be appropriate at this time to attempt to move a new section. The concern I have, and I seek direction from the Chair, is this: Section 53 was struck out of the bill by a negative vote from the government benches, and along with that was struck out the opportunity to amend that part of the legislation that would have dealt with the seniority commitment the government made to its own employees. It seems to me that a new section might be appropriate, and I would seek your wisdom as to when it would be proper for me to number a new section that would deal with seniority. This was originally in 53(8.1) of the bill.

I want to thank the clerk for advice on how I can move this new section. This would be a new subsection 53.2.

I move that a new section 53.2 of the bill be added by adding the following section:

"Seniority etc

"Employees who were not members of any bargaining unit before bargaining units are designated under this bill and who become members of a designated bargaining unit,

"(a) shall be deemed to have seniority for all purposes equal to the length of their continuous service in the Ontario public service; and

"(b) shall be entitled to benefits equal to those to which they were entitled before becoming members of a bargaining unit."

The Acting Chair: Does the member wish to speak to that amendment?

Mrs Caplan: Yes, I would. I was in this House and heard consecutive chairmen of Management Board give commitments on behalf of this government that when it moved forward with amendments to change the Crown Employees Collective Bargaining Act, it would ensure the seniority rights for those people who had been part of the excluded class and who were being forced to join a

bargaining unit.

I was very distressed today to receive this comment from the Association of Management, Administrative and Professional Crown Employees of Ontario, AMAPCEO. The Premier is here tonight and he has the opportunity on behalf of his government to make sure that a commitment that was given in this House, that was given to the provincial employees and that was given on the record in Hansard is lived up to by his government. I quote from the letter written by AMAPCEO:

"We remain concerned about a number of the decisions that the government has made re Bill 117. However, the purpose of this letter is to raise a critical issue that the government does not appear to have addressed: the protection of currently excluded employees' seniority and benefits. Although the government has publicly committed itself to provide such protection, including the Chair of Management Board's statement in the House on release of the employers' report, neither Bill 117 as introduced, nor the intended amendments as discussed with us this morning, will ensure this protection.

"This protection is needed on a permanent basis for the 2,000 employees that the government intends to move into OPSEU, and on a temporary basis at least until negotiations of a first collective agreement for those employees who become members of the new bargaining unit. Given OPSEU's earlier public statements that currently excluded employees moved into its bargaining unit would lose both their seniority and MCO days, it is particularly important that these rights are legislatively protected so that they cannot be negotiated away.

"For this reason, we urge the government to include an amendment to Bill 117 that will legislatively require that the years of continuous service in the Ontario public service of currently excluded employees be equivalent to their seniority for all purposes under any collective agreement and that their MCO days or the equivalent salary will be maintained."

2200

I say to the parliamentary assistant, you made a commitment to these employees that they would not be disadvantaged when they were unionized. I've moved an amendment which would give them the protection you haven't given them to this point in time. I would ask for you to support that amendment simply to live up to your word, to the word of your Premier, to the word of your chairs of Management Board when you told these people they would not have their rights and privileges of seniority removed from them at a time when you moved them into bargaining units.

The Acting Chair: Further debate on this motion?

Mr Turnbull: This once again is an amendment from the Liberals of which I don't have a copy. We have some of the Liberal amendments but we don't have all of them.

I have an amendment which I will be moving under 56.1 of the bill and I have that same letter the member was reading from. It is aimed at ensuring that these promises that have been made by the Premier but are not in the bill are reflected in the bill. Quite frankly, the employees of the government don't trust the government.

They don't trust the elected government because they have no reason to trust it from its conduct in the past, so it's essential that we get some wording in this bill to guarantee these employees these seniority rights.

I cannot comment on the Liberal amendment because I don't have a copy of the amendment.

Mr Cooper: I'll be speaking against this amendment for a number of reasons. In the statement to the Legislature by the Honourable Dave Cooke, Chair of Management Board of Cabinet, on the reform of the Crown Employees Collective Bargaining Act on October 7, 1992, he stated:

"The government has made the following decisions:

"Full seniority will be guaranteed to employees who become part of a bargaining unit.

"Employees currently receiving an additional five days of leave under the management compensation option and who as a result of the proposed CECBA reform are moved into a bargaining unit will continue to receive an additional five days or a salary equivalent."

Also, in a letter from David Agnew to all members of the Ontario public service, dated October 8, 1992, he states: "Here are the major decisions the government has made. Full seniority will be guaranteed to employees who become part of a bargaining unit, and MCO days or salary equivalent will continue for those employees who are moved into a bargaining unit and receive MCO days today."

Also, we have a letter from Fred Upshaw, the president of the Ontario Public Service Employees Union, dated November 1992, and it's to all excluded employees in the Ontario public service. It states: "Your seniority will be protected by our collective agreement if you join an existing OPSEU bargaining unit. If you become part of another bargaining unit, your seniority would apply within that bargaining unit."

From the current OPSEU agreement, under article 25, seniority and length of continuous service, effective February 3, 1992, "An employee's length of continuous service shall commence from the date of appointment to the classified service, from the date established by adding the actual number of full-time weeks worked by a full-time unclassified employee during his full-time employment back to the first break in employment which is greater than 13 weeks. Unbroken service is that which is not interrupted by separation from the public service."

So obviously the employees will be included, and they don't have to worry about seniority and there's no need for this piece in the legislation.

Mrs Caplan: What the parliamentary assistant has just read into the record is all well and good, but that's not legislated protection. What you have from your own employees requesting is an amendment to this legislation that will enshrine in the law what you have just read into the record. You should have no objection to that if you mean it.

The other thing is that in this legislation we have all kinds of provisions put in which are of great concern to people. Here we have a concern about something which has been left out, and you could very easily include it in

the legislation without having an impact. You've read into Hansard all of those nice statements, but frankly, they don't trust you. They will feel more secure if they have that commitment enshrined in the law. There's no reason for you not to do it if you mean it.

Mr Cooper: As I stated, it's enshrined in the collective agreement which they will be a party to and there's no need to put it in legislation.

Mr Turnbull: The reason we'd like to see this in the legislation is because the very source material that you read into the record is a letter from David Agnew, who is now the head of the civil service, and I will remind you he was of course the campaign chairman of the NDP in the last provincial election. I would suspect he had more than just a little passing hand in this infamous document called Agenda for People, which isn't worth the paper it was written on, other than for the opposition parties to shove it down your yap at every opportunity.

The Acting Chair: The member for Oriole has moved section 53.2 of the bill. Shall the motion carry? We will defer the vote until tomorrow.

Does section 55 of the bill carry? That section is carried.

Does section 56 of the bill carry? Carried.

The member for York Mills has an amendment to add 56.1, which is a new section of the bill.

Mr Turnbull: I move that the bill be amended by adding the following section:

"Seniority

"56.1(1) A crown employee as defined in the Public Service Act who was not a member of a bargaining unit under the old act and becomes a member of a bargaining unit after December 13, 1993, shall have seniority, service or any similar measure under a collective agreement determined for all purposes under the collective agreement, on the basis of continuous length of service with his or her employer.

"(2) Subsection (1) prevails over any provision of collective agreement.

"(3) Despite subsections (1) and (2), the parties to a collective agreement may alter the provisions respecting seniority, service or any similar measure provided the parties make a joint application to the board and the application is granted.

"(4) The board shall grant the application made under subsection (3) if the board is satisfied that the alteration treats employees described in subsection (1) fairly and equitably."

The Acting Chair: Do you have any comments?

Mr Turnbull: The thrust of this amendment is the same as the Liberal amendment which was just discussed under a previous section, but the wording of this amendment exactly tracks the wording recommended by AMAPCEO in its request to us. We're simply putting forward what that group of crown employees would like to see in the bill.

The Acting Chair: Mr Turnbull, the member for York Mills, has moved section 56.1 of the bill. Shall the motion carry? That vote is deferred until tomorrow.

Mr Turnbull: I move that the bill be amended by adding the following section:

"MCO days

"56.2(1) A crown employee as defined in the Public Service Act who was entitled to accumulate compensation option credits under the Public Service Act prior to proclamation of this act; and who becomes a member of a bargaining unit, shall continue to be entitled to all compensation option credits accumulated prior to becoming a member of a bargaining unit and shall be entitled to continue to accumulate and to use such options in accordance with the terms and conditions established under the regulations to the Public Service Act as they existed on December 13, 1993.

"(2) Subsection (1) prevails over the provision of any act, regulation or provision of a collective agreement.

"(3) Despite subsection (1), the parties to a collective agreement may alter the provisions respecting compensation option credits provided the parties make joint application to the board and the application is granted."

2210

The Acting Chair: Does the member for York Mills have any comments on the amendment?

Mr Turnbull: Yes. Once again, the wording is directly from AMAPCEO and is related to the previous issue.

I do apologize. I did not turn over the page and so therefore I have not read the full amendment.

"(4) The board shall grant the application where it is satisfied that the parties have substituted provisions equivalent in value to ongoing entitlement to the compensation option credits altered.

"(5) Where the substituted provisions referred to in subsection (3) continue to exist in a collective agreement, the provisions of subsection (1) do not apply.

"(6) The provisions of subsections (3), (4) and (5) shall apply with all necessary modifications to any alteration of substituted provisions referred to in subsection (4)."

The Acting Chair: Do you have any further comment on your amendment?

Mr Turnbull: No, I'd already made my comment.

The Acting Chair: Further debate? All in favour of section 56.2 of the bill? That vote is deferred until tomorrow.

Government amendment to subsection 58(5) of the bill.

First, shall section 57 of the bill carry? Carried.

Mr Cooper: I move that subsection 28.1(2) of the act, as set out in subsection 58(5) of the bill, be struck out and the following substituted:

"General prohibition

"(2) No crown employee shall engage in political activity in the workplace.

"Same

"(2.1) No crown employee who is wearing his or her uniform shall,

"(a) publicly engage in an activity described in clause (1)(a) or (b);

"(b) engage in an activity described in clause (1)(c)."

The Acting Chair: Any comments, parliamentary assistant? Further debate?

All in favour of the government amendment to subsection 58(5) of the bill? Carried.

Parliamentary assistant, a further amendment to subsection 58(5) of the bill.

Mr Cooper: I move that paragraph 4 of subsection 28.4(1) of the act, as set out in subsection 58(5) of the bill, be amended by striking out "crown employee" in the first line and substituting "civil servant."

The Acting Chair: Comments, Mr Cooper? Further debate? All in favour of the government motion, subsection 58(5) of the bill? Carried.

Further government motions?

Mr Cooper: I move that clause 28.4(2)(c) of the act, as set out in subsection 58(5) of the bill, be struck out.

The Acting Chair: Comments from the parliamentary assistant? Further debate? Shall the government amendment carry? Carried.

Further amendments?

Mr Cooper: I move that paragraph 3 to section 28.5 of the act, as set out in subsection 58(5) of the bill, be amended by striking out "the last day for the nomination of candidates" in the seventh and eighth lines and substituting "the last day for nominating candidates under the applicable provincial or federal statute."

The Acting Chair: Comments from the parliamentary assistant? Further debate? All in favour of the government amendment to subsection 58(5)? Carried.

Government amendment?

Mr Cooper: I move that clause 28.9(1)(a) of the act, as set out in subsection 58(5) of the bill, be amended by striking out "28.4(2); or" in the third line and substituting "28.4(1)."

The Acting Chair: Comments by the parliamentary assistant? Further debate? Does the government motion carry? Carried.

Parliamentary assistant, further government motion?

Mr Cooper: I move that subsection 28.9(1) of the act, as set out in subsection 58(5) of the bill, be amended by adding "or" at the end of clause (b) and adding the following clause:

"(c) is threatened with an action described in clause (a) or (b)."

The Acting Chair: Does the parliamentary assistant have any comment? Further debate? Does the government motion to subsection 58(5) of the bill carry? Carried.

Further government amendment?

Mr Cooper: I move that subsection 28.9(4) of the act, as set out in subsection 58(5) of the bill, be amended by striking out "or in the categories described in subsection 28.4(2)" in the third and fourth lines.

The Acting Chair: Do you have any comments? Further debate? All in favour of the government motion to subsection 58(5), section 28.9 of the act? Carried.

Government amendment to subsection 58(6) of the bill.

Mr Cooper: I move that subsection 28.16(6) of the act, as set out in subsection 58(6) of the bill, be struck out and the following substituted:

"Employee not liable

"(6) No employee is liable to prosecution for an offence under any act,

"(a) for copying a record or disclosing it to the counsel in accordance with this section; or

"(b) for disclosing information to the counsel in accordance with this section."

The Acting Chair: Further debate? All in favour of the government motion, subsection 58(6) of the bill? Carried.

Government motion to subsection 58(6) of the bill.

Mr Cooper: I move that subsection 28.17(5) of the act, as set out in subsection 58(6) of the bill, be struck out and the following substituted:

"Exception, grave danger

"(5) Despite subsection (1), if the counsel believes on reasonable grounds that it is in the public interest that information disclosed by an employee be disclosed to the public or persons affected and that it reveals an imminent grave health or safety hazard to any person or an imminent grave environmental hazard, the counsel shall, as soon as practicable, disclose that information to the head of the institution to which it relates."

The Chair (Mr Gilles E. Morin): Any debate? Further questions or comments? Shall the amendment carry? Carried.

Parliamentary assistant?

2220

Mr Cooper: I move that subsection 28.18(2) of the act, as set out in subsection 58(6) of the bill, be amended by striking out "and" at the end of clause (a), adding "and" at the end of clause (b) and adding the following clause:

"(c) the information that may be included in the notice given under section 28.20 is sufficient to enable the head to conduct an investigation into the matter."

The Chair: Any questions? Any comments? Shall the amendment carry? Carried. Parliamentary assistant.

Ms Sharon Murdock (Sudbury): No, there's a Liberal motion before this.

The Chair: Subsection 58(6).

Ms Murdock: Oh, yes, sorry. My apologies.

Mr Cooper: I move that subsection 28.20(4) of the act, as set out in subsection 58(6) of the bill, be amended by striking out "The counsel may, with the consent of the employee, delete" in the first and second lines and substituting "The counsel shall, with the consent of the employee, delete."

The Chair: Any questions or comments? Shall the amendment carry? Carried.

It is now an opposition motion.

Mrs Caplan: Subsection 58(6) of the bill, subsection 28.21(9.1) of the act:

I move that section 28.21 of the act, as set out in

subsection 58(6) of the bill, be amended by adding the following subsection:

"Second report required

"(9.1) If the head severs information under subsection (6) or (7), the head shall provide the counsel with a second report containing the severed information."

The Chair: Any questions? Any comments? Shall the amendment carry?

Mrs Caplan: I'd like to speak to it. I know that for people watching this, they're going to think that's a very technical amendment, so I'd like to explain it if I could.

The reason for this amendment is to ensure that the public's right to know under the freedom of information act is protected. What this amendment would do is make sure that the public would have the right to know. Not only would the employee be protected in cases of whistleblowing, but a second report would be required. That would then ensure the public's right to know is protected.

The Chair: Any further questions or comments? Shall the motion carry? No? All those in favour will please say "aye."

The vote is stacked until tomorrow.

Mrs Caplan: Let me try another one, Mr Speaker, because I feel very strongly—

The Chair: Just a minute, please. I think the next one is a government motion. Parliamentary assistant.

Mr Cooper: I move that subsection 28.29(2) of the act, as set out in subsection 58(6) of the bill, be struck out.

The Chair: Any questions or comments? Shall the motion carry? Carried. The next one is you.

Mrs Caplan: I'm going to try again, because I feel—

The Chair: Just a moment, please. Do we have a comment? The member for York Mills.

Mr Turnbull: I have an amendment to 28.20. We're out of order and you haven't called that.

The Chair: Just a moment, please. We'll check it out. We'll be with you in a moment. In the meantime, we'll deal with the motion brought in by the official opposition.

Mrs Caplan: Subsection 58(6) of the bill, subsection 28.38(1.1) of the act:

I move that section 28.38 of the act, as set out in subsection 58(6) of the bill, be amended by adding the following subsection:

"Exception

"(1.1) Despite subsection (1), the counsel may disclose records that are in his or her custody or under his or her control to the commissioner if the disclosure is necessary to an appeal under the Freedom of Information and Protection of Privacy Act."

The Chair: Any questions or any comment?

Mrs Caplan: Speaking to this, in the whistleblowing provisions of this legislation, I believe there are some places where we can protect the public's right to know. Some of the concerns I have are that while the intention of the act is good, it doesn't go far enough as far as

disclosure in the public interest is concerned. The amendment I've just put forward I think would be one which could be considered a friendly amendment and which clarifies the government's obligation to make information available where there has been an appeal under the Freedom of Information and Protection of Privacy Act.

I feel very strongly about government being as open as possible. I feel strongly about government being as accountable as possible. The Freedom of Information and Protection of Privacy Act is a statement by government of its obligation both to give access by the public to information as well as to protect personal privacy. This legislation, in my view, restricts those rights, and the amendment I have put forward will make sure that the public's right to know is protected.

The Chair: Any further questions or comments on Mrs Caplan's motion? Shall the motion carry? The vote will be deferred for tomorrow.

There is another motion from you, Mrs Caplan.

Mrs Caplan: I can see that the government's not accepting very many amendments, but I'm going to try and move it anyway, because I think its approach in the legislation on this particular section really is misguided. I don't think it's in the public interest.

I'm referring here to subsection 58(6) of the bill, subsection 28.38 of the act. This goes on about, "Unless this act specifically authorizes their disclosure, records in the custody or under the control of the counsel shall not be disclosed to any person outside the office of the counsel," and it goes on to those provisions.

I move that paragraph 3 of subsection 28.38(2) of the act, as set out in subsection 58(6) of the bill, be struck out.

The Chair: Is there any discussion?

Mrs Caplan: In speaking to this, what I'm trying to do here is to remove an exception that again inhibits the public's right to know. I feel very, very strongly that there are some provisions of this legislation which in fact do the opposite of what it is purported to do in the name of whistleblowing. It seems to me that the paragraph I've just referred to in section 28.38 should be deleted and the public's right to know should be protected.

The Chair: Any further questions or comments? Shall the motion carry? The vote is deferred for tomorrow.

2230

Mr Turnbull, you had some motions. I would accept that you now read your amendment.

Mr Turnbull: There was a drafting error. It should read:

I move that subsection 28.20(2) of the act, as opposed to the bill, be deleted and the following substituted:

"(2) If, because of the nature of the information, the counsel believes it would not be appropriate to require the head of the institution to which the information relates to submit a report concerning it, the counsel may by notice require the report from another minister of the crown, the Office of the Provincial Auditor, the Office of the Ombudsman or other independent third party as he or she considers appropriate."

The Chair: Do you have any comments, Mr Turnbull?

Mr Turnbull: This is to allow the counsel to determine the seriousness of the charge and the nature of the charge and to be able to call on those outside agencies to do the investigating, as opposed to the ministry involved itself. This would add some teeth to the whistleblowing legislation which otherwise is virtually useless, because you're asking a ministry to investigate its own wrongdoing, which is wrong.

The Chair: Are there any further questions or comments? Shall the motion carry? The vote is stacked for tomorrow.

Mr Turnbull, you have another motion?

Mr Turnbull: I move that subsection 28.20(4) of the act, as set out in subsection 58(6) of the bill, be amended by striking out "the counsel may, with the consent of the employee, delete" in the first and second lines and substituting "the counsel shall, with the consent of the employee, delete."

The Chair: Mr Turnbull, we don't have this amendment at the table.

Mr Turnbull: I guess it shows how punch-drunk you get when you don't have dinner. I've just read the government motion. There you go.

I move that section 28.22 of the bill be amended by adding the following subsection:

"28.22(3) If the counsel is not satisfied by the revised report as provided by the head under subsection (2), the counsel may by notice require the allegation of wrongdoing to be investigated and reported on by whatever third party he or she considers appropriate in the circumstances."

The Chair: Any comments, Mr Turnbull?

Mr Turnbull: This relates to the same issue I spoke about before. It allows the notice to be given to the ministry of a third-party report being requested.

The Chair: Any further questions or comments? Shall the motion carry? The vote is deferred for tomorrow.

You have another motion, Mr Turnbull, to 28.23(2) of the bill.

Mr Turnbull: Delete that one, Mr Chair.

The Chair: We'll delete that one.

Now I have a government motion, 58(11).

Mr Cooper: I move that clause 29.1(a) of the act, as set out in subsection 58(11) of the bill, be amended by striking out "'grave health or safety hazard to any person' and 'grave environmental hazard'" in the third, fourth and fifth lines, and substituting "'imminent grave health or safety hazard' and 'imminent grave environmental hazard.'"

The Chair: Do you have any comments to make? Shall the motion carry? Carried.

Shall sections 59 to 61 carry? Carried.

We now have another motion; the parliamentary assistant.

Mr Cooper: I move that clause 2(1)(m) of the act, as set out in subsection 62(1) of the bill, be struck out and

the following substituted:

"(m) to a person who regularly provides advice to cabinet, a minister of the crown or a deputy minister on employment-related legislation that directly affects the terms and conditions of employment of employees in the public sector as it is defined in subsection 1(1) of the Pay Equity Act."

The Chair: Do you have any comments, parliamentary assistant? Any further questions or comments? Shall the motion carry? Carried.

Mr Gerry Phillips (Scarborough-Agincourt): More lawyers?

The Chair: Did I hear a point of order?

Mr Tilson: No, you heard "more lawyers."

The Chair: Government motion; the parliamentary assistant.

Mr Cooper: I move that section 2.0.1 of the act, as set out in subsection 62(2) of the bill, be amended by adding the following subsection:

"Same

"(2) Despite clauses 2(1)(b) and (c), this act applies to crown employees who are persons described in those clauses."

The Chair: Any comments, parliamentary assistant? Any questions or comments? Shall the motion carry? Carried.

Shall section 62, as amended, carry? Carried.

Shall sections 63 to 66 carry? Carried.

A government motion; the parliamentary assistant.

Mr Cooper: I move that subsection 67(2) of the bill be struck out and the following substituted:

"Same

"(2) Sections 21.2 and 21.3 come into force on the day this act receives royal assent."

The Chair: Comments? Any questions or comments? Shall the motion carry? Carried.

Shall section 67, as amended, carry? Carried.

Shall section 68 carry? Carried.

Shall the title carry? Carried.

Hon Ms Gigantes: I move that the committee rise and report.

The Chair: Ms Gigantes has moved that the committee rise and report. Shall the motion carry? Carried.

The Deputy Speaker (Mr Gilles E. Morin): The committee of the whole House begs to report progress and asks for leave to sit again. Shall the report be received and adopted? Agreed.

Hon Brian A. Charlton (Government House Leader): A matter coming out of the committee of the whole consideration of Bill 117: We had dealt with a number of consents during the committee process, and my understanding is that one of those consents we now need to deal with in the whole House, and that's the consent around deferring the votes on the matters that have been indicated as divisions in the committee to committee of the whole votes tomorrow following routine proceedings.

The Deputy Speaker: Is it agreed? Agreed.

2240

TEACHERS' PENSION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI
SUR LE RÉGIME DE RETRAITE
DES ENSEIGNANTS

Mr Martin, on behalf of Mr Cooke, moved third reading of Bill 121, An Act to amend the Teachers' Pension Act / Projet de loi 121, Loi modifiant la Loi sur le régime de retraite des enseignants.

Mr Tony Martin (Sault Ste Marie): This bill, the Teachers' Pension Amendment Act, 1993, amends the Teachers' Pension Act. These amendments, which are of a technical nature, are put forward with the agreement and support of the Ontario Teachers' Federation, our partner in the Ontario teachers' pension plan.

The bill proposes an amendment that will give the Ontario Teachers' Pension Plan Board clear authority to repay to the government special payments that the government has already made to the plan. The partners have agreed that these payments may be replaced by gains disclosed by a January 1, 1993, valuation of the fund.

The government and teachers reached an agreement to operate the teachers' pension plan as partners in 1991. This agreement represented a first, an agreement between government and teachers to work as full partners in the operation of the pension plan, with sharing of responsibilities and rewards.

A key feature of the agreement was to have a transition stage, leading to a full partnership after the 1997 valuation of the pension fund. During this transition period, gains were to be shared on a sliding scale. In the early stages of the transition, the government would receive the greater portion of any gains. Now we have agreed with the teachers that we can bring forward the government's share of the gains that would have appeared over the full period of the transition.

This agreement does not change the portion of the gains that would have accrued to the government had the agreement not been reached. This share will allow us to offset our special payments to the fund for approximately three years. As these special payments have been projected at \$1.2 billion over three years, this represents a considerable saving to the Ontario taxpayer. It will also allow us to move more quickly to a full partnership with the teachers.

This bill also proposes to revise the method of calculating the amounts of the special payments that remain to be made to liquidate the unfunded actuarial liability of the Ontario teachers' pension plan as of January 1, 1990. While this proposed amendment changes the way payments are calculated, it does not alter the government's commitment to pay off this liability.

I invite all members to join with the government, the Ontario Teachers' Federation and the Ontario Teachers' Pension Plan Board in supporting this legislation.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to enter the debate and to say to the members of the Legislature and to the viewing public that this isn't a minor, technical amendment. That's how the government

would like to portray it, but let's be very clear on what we're dealing with here. We're dealing with a debt that the public owes to this fund of \$7.2 billion. That debt is bigger than the debt of half of the provinces in this country: The \$7.2 billion that the government of Ontario owes to this pension fund is bigger than the debt of five of the 10 provinces in this country.

What is planned here, and let's be very clear on it—I will say to all of us that the public won't be fooled very long on this. What we're planning to do here with that \$7.2-billion debt is that we are going to stop making any payments against that for three and a half years; for 42 months there will be no interest and no principal paid on that \$7.2 billion. It's just going to run up, and 42 months from now we, the public, will owe that fund \$9.5 billion.

It is clearly a plan designed to hide spending, to hide the deficit and hide the debt. That's what this bill is all about. It's not a minor technical amendment.

Interjections.

Mr Phillips: The bill's running up at \$500 million a year, and that's what this is designed to do. The members begin to heckle because they care not to hear this matter.

I will also say to the members who are heckling that here's another thing this bill plans to do: It plans to take \$300 million out of the fund. It is unconscionable, because the only way the government can do this is by passing legislation that allows it to exempt itself from something called the Pension Benefits Act. I will say, as I've said before, that I'm amazed the NDP backbench members have not raised their voices about this, because do you know what's going to happen?

Mr Gilles Bisson (Cochrane South): Where the heck was your back bench when you cooked the books in 1990?

Mr Phillips: The member doesn't want to hear this, but you are bypassing the Pension Benefits Act. You could not legally take this money out. The pension commissioner could not legally approve taking \$300 million out of this fund under the existing legislation. You can't do that. You cannot take money out of a fund where there's an unfunded liability.

Mr Sean G. Conway (Renfrew North): Does this make Bob Rae a Conrad Black?

Mr Phillips: Many members will recall that Conrad Black, for those viewers out there, tried to take money out of a pension fund where there was an acknowledged surplus and wasn't allowed to do so.

There is a \$7.2-billion deficit, and the government tonight will attempt to pass a bill that allows it to exempt itself from the Pension Benefits Act, that allows it to bypass it. Legally, if they don't pass this bill, there's no way they could take \$300 million out of this fund. Remember, this is \$300 million that's in a fund where there is a debt, an unfunded liability of \$7.2 billion.

The member who introduced the bill said this is a technical amendment. This is an extremely important piece of legislation.

Mr Conway: And expensive.

Mr Phillips: And expensive, my colleague says. For

the first time I can ever recall, the Legislature is being asked to exempt the government from the provisions of the Pension Benefits Act that prohibit taking money out of a pension fund without the permission of the commissioner. We not only are bypassing that; we are taking money out of a fund where there is a significant unfunded liability.

Hon Gilles Pouliot (Minister of Transportation): It's a \$30-billion fund.

Mr Phillips: The Minister of Transportation is choosing to heckle. I'm pleased he's here.

Mr Conway: His wife is a beneficiary of this fund.

Mr Phillips: Well, whatever.

What does the president and the CEO of the Ontario Teachers' Pension Plan Board say about this little manoeuvre? He is an actuary by profession. He has a different view of this. He believes these funds should not be taken out. He believes we should not take a holiday. He believes, as I believe, that the fund should be used to reduce the unfunded liability. That's what Mr Lamoureux, who is the president and the CEO and the person who heads up the staff that has what's called the fiduciary responsibility of managing this, believes.

Hon Mr Pouliot: How did we get to \$7 billion? That didn't happen overnight.

Mr Phillips: The member across says, how did they get the \$7-billion deficit? Of course it didn't happen overnight. It was as a result of funding of the indexing of teachers' pensions, and the plan was put into place with, I think, support of all members of the House to deal with the unfunded liability.

2250

Mr Stephen Owens (Scarborough Centre): When?

Mr Phillips: It was put in place in 1990, just a little before the government was elected. Now what are you doing? You are choosing to make no payments against the unfunded liability for three and a half years.

Interjections.

Mr Phillips: I know the members opposite don't want to hear this. I will just say to you that you will fool no one. The people who watch the finances of this province are watching this and they're going to make a judgement on this government that this is another attempt to hide from the public the true finances of the province.

The Provincial Auditor is on to you. The Provincial Auditor, for the first time in the history of this province, refused to give an unqualified opinion on the finances of the province in 1992-93. That is fact, and no one can dispute that. The auditor also said in warning to the government that you are doing many things that distort the finances of the province, that do not accurately reflect the accounts of the province, that don't tell the public—I don't have his exact words here, but he essentially said the books are being managed in a way that does not accurately reflect the finances of the province.

I will say this manoeuvre is a very significant move. It means, as I said earlier, that this \$7.2-billion unfunded liability will go up over the next 42 months by \$2.5 billion. Those are huge numbers. The interest on this

unfunded liability every year is \$550 million, but the government is choosing to make no payments of either principal or interest. They're not making a penny payment against that for three and a half years, so a new government will be faced with an unfunded liability of \$9.5 billion. As I said before, these numbers are bigger than the deficits of over half of the provinces in this country. They're huge.

What should have happened? I agree very much with the recommendation of the pension board itself, the people who have the responsibility for managing this fund. Their recommendation, as I read it, is that rather than taking this what I will call phoney holiday—

Interjection.

Mr Phillips: If the member across wants to know, it's the president and CEO of the teachers' pension plan who says he doesn't believe this is the right approach. He prefers another approach and I prefer another approach.

How did we get here? It was because of this: The government had an actuarial analysis done on the unfunded liability, and that actuarial report said that instead of it being \$8.4 billion, it's now \$7.2 billion, about 16% lower. So what did the government decide to do? They said: "We will make no further payments for three and a half years into this fund. We won't pay a cent of the interest or a cent of the principal. We'll simply let the debt run up in this unfunded liability."

As I said, there is no doubt that this is as much a debt that the people of Ontario owe as a bond that has been sold anywhere.

Hon Mr Pouliot: No.

Mr Phillips: The Minister of Transportation says no. He obviously doesn't understand the finances. It is clear that this is a debt that is just as real as if you had borrowed the money from any other source. You are borrowing, and you will borrow \$2.5 billion more money over the next 42 months.

What troubles me perhaps the most about this is that it is only a matter of months, if not weeks, before the financial community and the auditing community expose this for what is. It is a phoney way of doing our books. I believe there's about \$500 million a year in social contract savings tied up in this, a little more than \$300 million from the teachers' pension, and I might say the Ontario public service pension is doing a similar thing. We're not talking about that tonight; all the numbers I'm talking about are just the pension numbers. But it will only be a matter of months, if not weeks, before the financial community looks at this and the people who have to have some confidence in the way we report and manage our finances will say: "You're kidding nobody here. You're going to continue to run up interest costs over \$500 million a year on this unfunded liability. You're going to let the unfunded liability go from \$7.2 billion to \$9.5 billion and you're not going to pay a penny against that for 42 months."

Hon Mr Pouliot: What would you do, Gerry?

Mr Phillips: I've already told you what I would do, if you'd only sit there and listen. What you should do is continue to make payments against it, reduce those

payments by the amount the unfunded liability's gone down, at 16%, and be honest with the books, because these costs are running up. It's just that you're not making any payments against them. The expenses are going on. All the money's being spent. You're just running it up in the unfunded liability.

Interjection: Pay your bills.

Mr Phillips: "Pay your bills," someone says. That's exactly what you should do. You're playing games with the books and you are being exposed. The Provincial Auditor has been very clear with you. He said he didn't sign your books last year because he didn't think they represented the finances.

Hon Mr Pouliot: Don't play on words.

Mr Phillips: There is no doubt that last year, for the first time in the history of this province, the Provincial Auditor refused to give an unqualified opinion.

Secondly, the auditor has pointed out about four areas—I mean, you people are playing games with the books. You've already said you're going to sell \$500 million worth of jails to yourself. The Minister of Correctional Services is shaking his head. I will show you the document, provided by your own government, showing that. That's what you're planning to do. It's a scam. You're going to sell \$500 million of jails to yourself and then lease them back.

That's what the Provincial Auditor said about your land sales. He said you're playing games with the books. That's what he said about what you're doing with school capital. I hope you all know this. You are getting the school boards to go out and borrow the money for you. You're telling the school board: "You go borrow the money but you tell whomever you're borrowing the money from that we will repay that principal and interest. We just don't want it appearing on our books." Do you think you can get away with that? Do you think the financial community is stupid? They'll understand that.

Mr Chris Stockwell (Etobicoke West): If this was in the private sector, you'd be charged with fraud.

Mr Phillips: My colleague the member for Etobicoke West says the truth, and that is that there is no accountant who could ever sign these government books if this were a private company, because they do not reflect the finances of the province.

What we see here tonight is another example. We're not dealing with a small, technical amendment. Once the government members appreciate what you've done, I think you will understand this is a game, this is a shell game. You are running debt up on the unfunded liability. There is a clear solution to that. You should be making the annual payments against this and showing those as an annual payment. I will say that without any question we will see in the next few months this exposed for what it is.

I want to review again what we're dealing with in this bill. One is that we are exempting the government from the provisions of the Pension Benefits Act. We are exempting in this case the employer, the government, from the provisions of the Pension Benefits Act. Do you know why?

Hon Evelyn Gigantes (Minister of Housing): You don't apply that to public sector pensions.

Mr Phillips: The member across the hall shakes her head, but there is no way that the commissioner could ever approve this. The only way you can withdraw, pull that \$300 million out is by exempting yourself. The commissioner can't approve this, because you are taking money out of a fund where there is no money, where there is an unfunded liability.

Secondly, what we are doing for 42 months, for three and a half years, is making zero payments against the unfunded liability, simply letting it run up. The teachers probably aren't too worried about this because the government has 100% of the obligation for this.

2300

Mr Stockwell: It's not their problem.

Mr Phillips: "It's not their problem," my colleague says, and he's right. The teachers understand that the government has 100% responsibility for this, but the taxpayers should be worried because we are dramatically understating the expenses we're running into every year. We are dramatically understating the deficit this province is incurring. We are understating our debt in this province by, right now, \$7.2 billion, and at the end of 42 months it will then be \$9.5 billion.

Why is it all happening? It is happening because the government is desperate to report a deficit number. Whether that deficit number bears any relationship to reality or not is another matter, but they're desperate to report a deficit number. I suggest to you strongly that this plan, this scheme to give yourselves a three-and-a-half-year "holiday" is nothing but a desperate attempt to misstate the numbers.

The members opposite say, "What should be done?" What should be done is what the president and CEO of the teachers' pension plan suggests, and that is that we not take the three-and-a-half-year holiday, that we not simply let the unfunded liability run up, but that we deal with it on a regular, orderly basis, making regular, orderly payments against it, and be honest with the public about what it's really costing us to run the services in this province.

I will say as I said earlier, that while we've talked tonight about the teachers' pension, there's a similar scheme under way with the Ontario public service pension plan where there too is a very significant unfunded liability, and there too I gather the government is planning to also give itself a holiday. Hopefully, we will soon have an opportunity to have that debate here in the Legislature.

The other point I'd like to perhaps emphasize is that even when the "holiday" is over, where the government has made no payments against this for three and a half years—

Mr Stockwell: Who's holding the bag?

Mr Phillips: "Who's holding the bag?" is a good question. What do you think the annual payments then will be that have to be made? They will be \$500 million. We will go along paying nothing and then, suddenly, a \$500-million-a-year payment will have to be made, and

that payment will have to grow each year because the unfunded liability will have reached, by that stage, well over \$9.5 billion.

In the interest of the government trying to show, in my opinion, a deficit and a debt number that aren't real, we are digging ourselves a very significant hole with the unfunded liability in the teachers' pension plan.

There's a solution to it. There's a solution that the pension staff have recommended, that I support and that would allow us to be forthwith and honest about the true situation. I have a lot of faith in the public.

Hon Mr Pouliot: They had a printer; the money kept rolling in.

Mr Phillips: The Minister of Transportation says the money keeps rolling in. I hope he would understand that the spending is going on here; it's all going on. This doesn't stop. When you've got a \$7.2-billion unfunded liability, just because you say you're not going to make any payments doesn't mean the spending isn't going on. That interest is chugging along, day after day after day, building up, over \$500 million a year. That unfunded liability is building up, so it isn't as if the cost in that program has dropped off. The only thing that has stopped is you stopped making any payments against it. The expenses keep going up and up and up.

The minister of government services or Management Board shakes his head. I hope he's shaking his head in dismay because those are the facts. Those are the facts. They are not only the facts; they are the facts as presented to our committee when we met last week. It's clear that's exactly what's going to happen.

I guess this bill will pass because the government has to have the bill. Do you know why it has to have the bill, Mr Speaker? So they can get the \$300 million yanked back out of the plan, so they can report \$300 million worth of revenue.

Mr Stockwell: By what date?

Mr Phillips: By March 31.

Mr Stockwell: Which happens to be—

Mr Phillips: Which happens to be just around the time we come back. So we have to deal with it today or tomorrow or whenever the House breaks to give the government the legal authority to yank the money out. That's why we're under such pressure to pass this.

Around here, Mr Speaker, as you know, the government gets its will, but I will get on the record our concerns. I will say that this is a case not unlike the one we raised about 18 months ago. The public may not be aware of this, but the government owed the teachers' pension \$500 million due January 1, 1993. They "rescheduled" that payment to April 1, 1993. Why? So they could show the \$500 million not in last year's budget but in this year's budget, so they could report the deficit \$500 million lower than it was.

The taxpayers of this province paid a penalty of \$4 million. It cost the taxpayers \$4 million in an interest penalty just so Bob Rae could report a deficit \$500 million lower than it was. The reason is that the government had to pay 11¼% interest on that payment. They

were borrowing money at 7½%. It cost the taxpayers \$4 million. The hard-pressed taxpayers got nothing for that. It was just like pouring \$4 million straight down the drain, for one reason only: so Bob Rae could report a deficit lower than it actually was.

The Provincial Auditor blew the whistle on that very thing and said it was unacceptable to do that. That's why he gave the qualified opinion on the books, because of that very move. So Bob Rae wasted \$4 million on that little scam, the little manoeuvre, and it cost the taxpayer \$4 million and it cost Ontario an awful lot in credibility. That's why we are ensuring that this issue get on the table now, because it won't go away. It will be reported clearly by the Provincial Auditor. It will be another source of embarrassment to the provincial government when people say, "Holy gosh, what's going on in Ontario?"

As a matter of fact, there was a story just last week in one of the Toronto papers indicating that some of the thoughtful people who monitor financial markets around the world were saying: "What's going on in Ontario? They're playing games with the books. If we can't trust the books, we can't lend the money." This will be another example of, "We can't trust the books."

I think I've now got on the record the concerns. I realize that some of the members, the backbench NDP members, may not like to hear them. Time will indicate that these concerns are important, that they're concerns that will not go away and that they're concerns that will have an impact on the credibility of the government of Ontario. I guess those are the comments that I'm pleased to get on the record on this particular bill.

Hon Mr Pouliot: Just a few points, because they're facts: The teachers' superannuation plan is one of the 20 richest in the world. It is the second- or third-richest plan in Canada. It has total assets, as I speak, of some \$30 billion. The net earnings last year, return on investment, were in the neighbourhood of 9.6%. The actuarial figures had projected a rate of inflation far surpassing, far exceeding, the 9.9% we have now.

2310

The teachers' salaries have been frozen for a period of three years, so when you take into consideration the average of the most lucrative five and you translate that with a multiplier into actuarial figures, you come out, when all is said and done, with an unfunded liability which is far less than the projection of even last year, before these happenings took place. In fact the teachers who are superannuated will be the only teachers getting an increase, because they're fully protected up to 8%.

They're not concerned. They know their plan is sound. They know of the contributions successive governments have made to their plan. They can look to the future with extreme confidence, for to all knowledge, to all participants, 30 years, 40 years down the line there is no such thing as an unfunded liability if you're the recipient of a pension plan if you have been a teacher.

If it were so problematic, why is it that the previous administration found it commonsensical to give the teachers one, two or three options of retirement? The plan

must have been sound, and it's just yesterday. The plan is still sound.

Mr Hans Daigeler (Nepean): I always find it interesting to listen to the member for Scarborough-Agincourt. He really brought to our attention the seriousness of this bill. Frankly, when I look back on my own experience in this House, the teachers' pension issue has been one that's kind of sore around my heart and I'm sure around many other members' hearts, because there were a lot of teachers who were quite upset a few years ago. I remember that in Hamilton we had a convention of our party and there were I think something like 20,000 teachers there who were extremely concerned that the Liberal government was trying to put the pension fund precisely on a stable basis about which the Minister of Transportation just spoke.

He's quite correct that in fact the Liberal government did put the proper funding in place for the teachers' pension plan so that actuarially, as they say, this fund would be able to pay the moneys now and in the future. However, what this government is doing now is that it is not leaving that fund alone; it is pulling money out of that fund.

I'm not talking about the leaders of the federation, but once word gets out to the ordinary teachers and once they find out what's happening to their plan, I think they're going to begin to be very concerned and that will just add to the anger that's already out there, especially among the teachers, with regard to some of their NDP friends. I don't think all the teachers were NDP, by no means. Certainly in my riding I must say they continued to support me in the last election. I'm very thankful for that. But there were, without question, teachers who had lots of hopes for the NDP and they've been sorely disappointed.

Mr Stockwell: I have to get up and comment on the Minister of Transportation's comments that he made with respect to the speech that was just made. It is breathtaking how little he understands about this issue.

It is absolutely academic about the assets of the particular fund. It is absolutely academic about the amount of holdings they have and the amount of money they have in the bank. What the Minister of Transportation should concern himself with is one very important number: What is the unfunded liability of that fund and whose responsibility is that unfunded liability? The fact is quite simply this: The unfunded liability is \$7.2 billion. That responsibility is resting solely on the taxpayers of the province of Ontario.

By taking a 42-month holiday from making payments to this account, you're incurring further debt on behalf of the taxpayers of this province, from \$7.2 billion to \$9.5 billion. You're not showing it on the government books, and to have a minister of the crown stand up and make the statement he made makes an absolute mockery of this Legislature. It has nothing to do with the reality of the situation, and it's got everything to do with the jiggy-pokery, the smoke and mirrors kind of financing that this government has entered into.

It's just awful that here we are on Monday night, at a quarter after 11, trying to pass a housekeeping bill this

parliamentary assistant calls for that's going to put us \$2.3 billion further in debt, and you have a Transportation minister pop up who doesn't know anything about it and starts quoting assets of the pension fund. It's unbelievable.

Mr James J. Bradley (St Catharines): As one who over the years has had to discuss the matter of teachers' pensions with members of the teachers' federation, I can envisage that a few years from now we'll be in a similar situation to what we were before; that is, trying to rectify a problem that is accumulating over the years. The easiest way to rectify it, of course, politically is to simply ignore the problem. There were those over the years who have advocated, in fact, that government should ignore the problem, let the plan run into financial difficulty and some subsequent government can look after it.

That's exactly what is happening in this situation. The plan is going to be, as a result of the action being taken by the government, in a less advantageous position than it was before this legislation. When confronted with this, the previous government had to insist upon an increase in contributions from the teachers and an increase in contributions from the taxpayers of this province, the contribution from the government being that which would be more than the entire budget of most ministries of the government.

That's why we're concerned this evening when, as the member for Etobicoke West has stated, at 11:15 on an evening when most people are tuned in to something other than this, and when there appears to be acquiescence on the part of the leadership of the Ontario Teachers' Federation affiliates at the provincial level because of discussions with the government, what worries us is what's going to come a few years down the line. Just as with bill after bill, with piece of legislation after piece of legislation, with regulation after regulation and with policy after policy, we are going to be faced in the future with undoing a mess which is being made on a daily basis by this government.

The Speaker (Hon David Warner): The member for Scarborough-Agincourt has up to two minutes for his reply.

Mr Phillips: I appreciate the comments of all the members. The Minister of Transportation's comments were disturbing because as a member of the cabinet it seems to me he has no understanding of what is in the teachers' pension plan.

They've just spent a large amount of money having an actuarial report done and it is absolutely clear that there is an unfunded liability in the teachers' pension of \$7.2 billion. It's absolutely clear the government has 100% responsibility for paying it off. Then there's a frightening chart in the back of this thing that shows the payments that were going to be made and now the payments that are going to be made: zero, zero, zero, zero, zero, zero, zero, zero, zero, zero, zero. Then you get to August 1996 and they begin at \$36 million a month and they just keep going up: \$36 million, \$36 million, \$37 million, \$38 million, \$39 million, \$40 million, up to \$42 million month after month after month. So we go three and a half years with zero payments and then suddenly we've got to

be making payments \$36 million and \$37 million a month.

My colleague the member for St Catharines has got it right: We're kidding ourselves here. We're putting at risk the financial viability of the unfunded liability by taking this three-and-a-half-year holiday. The teachers out there who are watching I think should rest easy because this is clearly a government responsibility, but we're being irresponsible with the way we're managing this thing. That's the issue that's before us tonight and the issue that needs to be well debated.

2320

The Speaker: Again I thank the honourable member for Scarborough-Agincourt and invite any further debate on this bill.

Mrs Dianne Cunningham (London North): I think this evening we're facing the same kinds of challenges as we have in the past over a very important, in my opinion, money bill for the citizens of Ontario.

I can remember about three or four years ago, as we debated the initial bill that looked at merging two of the teachers' pension funds, Bill 66 at the time, when the Liberals were in government, and I can remember on December 20, 1989, being forced into rushing around an agreement at that time for almost the very same reasons. These are the kinds of things that are happening I think in government across this province in the last eight years, where none of us are ever given enough time. Bills are tabled; in this instance, the one we're speaking to tonight was tabled just about three weeks ago, the last week of November.

We were given a briefing, I think, a week ago Friday. Last Thursday, less than 10 days later, we had an opportunity to get our questions responded to. Quite frankly, during that two-hour session, I can remember being criticized somewhat by the parliamentary assistant as never being happy with regard to any of the briefings. During that particular briefing for all of us, all members, government members and opposition members, I think anybody present would say that the issue was extremely complicated. It's a matter of buying into the numbers, the actuarial numbers and the projections, with regard to the unfunded liability and the paying down of that.

At that meeting we were all presented with a graph that showed us, first of all, without the special payment legislation that we agreed to just three years ago, and now moving over to this new special payment legislation. The fact that we're now taking a 42-month holiday seemed to have no effect with regard to the actuarial assumptions for some 37 years, which was the amount of time that this pension plan was to take to pay down. The unfunded liability is some \$7.2 billion.

Actually, at that meeting we were also advised that in a period of just a few hours, meaning a couple of days, the numbers that we were able to obtain in opposition, and the government actually, went from some \$7.8-billion liability to \$7.2 billion. So the numbers are changing all the time and it's a matter, with regard to the decision-making of this House, as to our being convinced that the best plan has been agreed to that is reflected in this

legislation. I have to say at this point in time that we just simply don't believe that this is so.

There are a couple of reasons. First of all, we just simply have not been able to have our questions answered. We put them before the administration last week and we were not able to have them answered.

During the previous legislation we were all told that during the transition period the government may apply all gains, if any, from the 1992 valuation to pay down the initial unfunded liability, 60% of the gains from the 1994 valuation and 40% of the gains from the 1997 valuation, and this was part of the five-year plan.

It's as simple as this: This act changes all of the intent for the first five years. We were told that we did have a \$10-million gain. We weren't told whether that went in to pay down the unfunded liability. We were told that we had a \$1.2-billion gain. We were also told that it will not go to pay down the unfunded liability during this transition period. For some reason, the government was advised that it wasn't a good idea. It's as simple as that.

We weren't told when we asked the question why it wasn't a good idea. Apparently, the teachers and the government representatives got together to talk about a new plan, and we have no idea why this was necessary, other than an unexpected gain is expected to take place. Of course, we've had the actuarial assessment for January 1, 1993, and as a result of that, we are showing a gain of \$1.2 billion. That was totally unexpected.

I can read exactly what the teachers were told when they asked the question. They were told: "It's worth noting that the pension plan's income in a typical year comes mostly from investments. Last year investments accounted for 71% of the plan's income, teachers' contributions 12% and the balance of 17% came from the provincial government. There were many unexpected assumptions using performance factors that went into the January 1, 1993, actuarial assumptions: the rate of return, 8%; the wage inflation, 5%; the CPI, 4%." Those are assumptions that the actuaries have advised us went into the formula to project the \$1.2-billion surplus.

It's interesting to note that in the previous legislation no one ever talked about paying down surpluses. No one ever talked about what we were going to do with surpluses. The agreements were all made with the assumption that there would be deficits, so the whole plan was around deficits: what percentage the teachers would pay, what percentage the government would pay, and finally, after 1996, all of the deficits would be shared equally; teachers and the government would share equally in any actuarial deficits.

Nobody talked about the gains. So here we have a gain, unexpected money, and I think the member for Scarborough-Agincourt said it very well. As a result the teachers and the government had conversations around the social contract last August and they decided that they would take a certain amount of that money, \$300 million, and put it towards the teachers' contracts with regard to days off. It's as simple as that. That's what's happened. If there's more to it, no one has answered our questions.

As a result, what ought to have happened is all this

money should have gone to pay down the deficit, and we could have paid it sooner rather than later. But for some reason we're expected to believe that if we don't make any payments for five years, if we start paying in August 1996 with the first real payment—I'm talking about almost \$36 million during the month of September 1996—in the long run, after 37 years, there will be no additional penalties. That's really hard to believe. I'm not an actuary, but that's hard to believe.

Most of us who pay our mortgages pay them on time. If we pay more money into them up front we pay them off sooner, and we're being asked to believe the exact opposite. We just haven't had the time, nor have we seen the actuarial statements or any of the backup work that would make us believe that this is so.

The other catch to this whole thing is that in order to take this gain, this \$300 million, the government had to go back to the teachers and get their agreement to say that the Pension Benefits Act, section 78, does not apply to a repayment with regard to this legislation. The previous bill was always subjected to this section of the act. All legislation is. It said "equal partnership, which will govern all aspects of the plan and the fund, subject to the requirements of the Pension Benefits Act." That's Bill 40, the Education minister was Mr Silipo and this all came into place January 1, 1992—"equal partnership, which will govern all benefits of the plan and the fund, subject to the requirements of the Pension Benefits Act," and now we're taking that out because we could not take out \$300 million of this surplus in the fund without excluding this particular piece of legislation from the Pension Benefits Act.

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All I can say is, after sitting in this House for the last six years, taking a look at at least three pieces of legislation with regard to the teachers' pension, we've looked at at least three major changes in the last five years, Bill 66 and the resulting legislation that the Liberals put into force—they had to do that because we were facing an unfunded liability and someone had to get that in order, and I give them credit for that. But I have to say, even they suffered from actuarial numbers that were unbelievable. Where they got them from, maybe they don't know.

I can remember—and I can see one of the former ministers looking at me right now—that during that time, on October 19, 1989, the minister of the day, Mr Conway, released a press release that placed the unfunded liability at \$4 billion. Less than two months later, it jumped to \$7.8 billion. The Liberals obviously had their difficulties with actuarial numbers, but none of us had the experience that we now have, and the whole philosophy behind this piece of legislation just doesn't make sense.

I certainly did put my remarks historically on the record last week and I'm not going to take any more time on this issue today, except to sum up by saying that the \$7.2-billion liability, if no one pays anything on it, if we don't pay the \$500 million a year that we had planned to pay during that transition phase, will go as high as \$9.5 billion in the next five years. It's clearly a plan, in my view, to confuse the public, put more money in the books. I do believe, as my colleagues believe, that the

auditor will certainly have something to say about this in this year's budget. There's no doubt in my mind. He had something to say last year when we didn't pay up the \$500 million that was owed and deferred it, so we're going to hear more from the auditor.

You just wonder some days who does have control down here. We hire a Provincial Auditor to give us advice; we ask the president and the CEO of the teachers' pension plan board to give us advice. This bill goes against the advice of both of these individuals and today we're being asked to pass this piece of legislation with less than an hour of debate.

In sum, we're probably looking at a piece of legislation that will, number one, be responded to by the auditor as being a cooking of the books in some regard, and number two, I would project that two or three years from now we will take a look at that unfunded liability and certainly five years from now as we start making payments, and we will realize that we have made a dreadful mistake.

The Speaker: I thank the honourable member from London North for her contribution to the debate and invite any questions and/or comments.

Mrs Margaret Marland (Mississauga South): I just want to commend the member for London North on her contribution to this debate. I think the points which this member has made are very important. I hope that perhaps for once this government might be listening. I know that some of the concerns about this legislation unfortunately will come home to haunt this chamber and certainly this government for this piece of legislation.

It's unfortunate that this government can be so cavalier in its approach to some of the almost, I think, ideological interpretation of what legislation needs to be drafted to deal with what area of jurisdiction in this province. Sometimes that ideology overrides what could otherwise be wisdom in the best interests of everyone in this province. When that happens, of course, there's no way, with a majority government and those of us in opposition being a minority, that we can do anything with it. Just the same as we were placed in that position earlier today on a number of other bills, we can get up in time allocation and if we're lucky we may get two or three minutes to speak. We can't even represent the interests of the people who elect us, because this government is determined that a certain amount of legislation that supports its viewpoint will be passed come what may. That being so, I am now already out of time once more.

The Speaker: Further questions and/or comments? The member for St Catharines.

Mr Bradley: Thank you again, Mr Speaker. I last time responded to the fact that one always has to look after these pension plans somewhere along the line, and that we're simply falsely saving at this time to be tampering with it using the Conrad Black provision—that is, the provision that there was a lot of noise made by New Democrats when Conrad Black attempted to use this provision to withdraw surplus funds from a pension plan over which he had some jurisdiction, and as a result there was legislation passed in that case to deal with that particular matter. We find now that the government once again, just as we found with a previous bill this evening,

is attempting to apply different rules to other people than it applies to itself.

I want to get on record, with just a couple of minutes that I have here, the fact that more and more as we look to the future, the public must understand what's building up, that when there is an election, the new government or the government of whatever stripe is elected by the people of this province is going to have to undo so much of what's being done now, and the days of reckoning are coming. If you look at the social contract, for instance, and when it expires, it's going to expire at the conclusion of the present term of office of the administration that's in power now. So either this government or another government is going to have to deal with the problems associated with the termination of the social contract and all the pent-up expectations that will be there at that time.

Similarly, we're going to be confronted with this bill, where the government is going to utilize the funds for a few years or not pay into the plan for a few years. The next government's going to come into power and it's going to be forced into the responsibility of dealing with this problem three, four, five years from now.

Mr Conway: I want to just underscore a point that the member from London has indicated in her remarks, that is, this is a very important bill for the public finances of the province. It has to be remembered by all of us that this is a fund with a gargantuan unfunded liability, and it has to be understood that at some point the people of Ontario are going to be called to account for that liability. It is right for the member to observe that in the previous administration there was an effort made to deal with the developing unfunded liability. Let me say that that liability developed as a result of some decisions made a generation ago by a Legislative Assembly in the period 1971 to 1975, a decision made by the then Davis government but complied in, I might say, by the opposition parties, where all members of the assembly knowingly accepted a set of proposals that imposed a huge responsibility that was not being properly paid for. It was left to a future generation and left to a future Legislature to deal with those chickens when they were to come home to roost.

The decision made for that enormous unfunded liability was made about 1974, and the people who made it—and they didn't all belong to one party—knew that it would be a different group of individuals, a full generation later, who would be called to account. We are that generation, and now in this Bill 121 we are engaging to some real extent in the same kind of activity.

Let me say, as the member for St Catharines just said, the Aegean stables are going to be packed full of Trojan horses and Bill 121 is yet another one of those horses.

The Speaker: Further questions and/or comments? The member for London North has up to two minutes for her reply.

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Mrs Cunningham: I just think, in sum, that what we're being asked to do this evening is, instead of waiting till 1997 for the teachers and the government to share in any gains, we are now sharing in gains in 1994.

It's as simple as that. That's the difference.

The reason that we want to share in these gains on January 1, 1994, or at least before the end of March, is that the government has indeed taken \$300 million out of the teachers' pension gains that were not expected and it has put them towards the teachers' social plan in that they are now not having to take as many days off as other employees across the province of Ontario. That's the reason it was done. We asked if there were other reasons and we couldn't get any answers to those questions last week.

We now are looking at what we thought was a very good plan, a phase-in plan, where we started to pay down over a period of five years this tremendous debt that our young people will have to pay down. By the way, the plan is for another 37 years. So it's going to take a long time to get rid of the \$7.2 billion. Our great hope is that two or three years from now we're not told that we're being faced with even a different plan because, as some have projected, we may be looking at a deficit then of \$9.5 billion.

That's the first reason that we're very unhappy with this change. We think it's irresponsible of the government. We think process-wise we shouldn't have been asked to deal with this legislation in a rushed manner, with the first reading just on November 29, and here we are on December 13 with our final opportunity. There just hasn't been the time to look at it carefully. We've been told both by the president of the teachers' pension fund and certainly the auditor that this is inappropriate, and we're not supporting this legislation.

Mr Stockwell: I understand why we are debating this bill on Monday night at 20 minutes to 12. I understand why this bill was announced by the government to be technical in nature when it was announced. I also understand why they think this is housekeeping in general, because most of these money bills, pension bills, tend to be very complicated and they tend to be very dry. For the life of me, I don't understand why these kinds of pieces of legislation don't make the front pages of the daily newspapers. I don't know why because this bill that we're debating today has a very serious impact on the taxpayers and future taxpayers of the province of Ontario.

I also understand that this is not going to be huge news today or if it were debated in the next session, but what I do understand is this. Measurements of governments—and this has been said in the past—are not what they do when the focus of attention is on them, because most governments, in my opinion, when the focus of attention is on them, tend to do the right thing because the media and public attention is on them.

What I believe is a measurement of a government is when the focus and the attention of the taxpayers and public is not on them and in essence they can do pretty much anything they want to do because either the taxpayers are too busy to care or simply can't understand it.

This piece of legislation is one of those pieces of legislation that the focus is not on the government to do the right thing. Therefore, they're going to do what is best for them, what is best for the government, what is best for the members of provincial Parliament and what

is best for their hopes for re-election.

This bill, without public attention and with no articles in newspapers or stories on TV, has nothing to do with what's best for the taxpayer. Why it has nothing to do with what's best for the taxpayer is because this government has entered into what I think is sleight-of-hand financing once more.

There will be no stories on this in tomorrow's newspaper. When they go back to their constituency offices, nobody will ask them a question. But you know something, Mr Speaker? With the passage of this bill tonight, the Ontario taxpayers will incur \$2.5 billion of further debt. With the passage of this piece of legislation, they will now be responsible for \$2.5 billion worth of debt.

Hon Ms Gigantes: Hypothetical debt.

Mr Stockwell: This is what's so frustrating. You could almost accept a government who sit quietly by when the focus is not on them. When people put forward the actuarial numbers and say it's \$2.5 billion, you still have members opposite who are so ideologically driven that they suggest the \$2.5 billion is hypothetical. There's no such debt that's hypothetical, because the person who lends you that money doesn't consider it hypothetical. It's hard, cold currency, and they want their money back at some point in the future.

The focus is not on this Minister of Housing as she chirps away, talking about hypothetical debt as opposed to real debt. There's no difference, Madam Minister. There's no difference. When \$2.5 billion is borrowed or \$2.5 billion is not paid on a debt you owe, you still have \$2.5 billion in debt.

The arguments I get from the Minister of Housing seem to run contrary to those of the actuaries who have studied this. But again, that doesn't shock me from the Minister of Housing, because there's no focus on this debate. There will be nobody outside when this is over to make the minister defend her chirping. Why? Because her chirping is indefensible. It's indefensible because actuaries have said if you defer payment for 42 months, you people will be \$2.5 billion further in debt.

No taxpayer will go to sleep tonight worrying any more and no newspaper will hold the presses to get this into the newspaper. But it worries me. Maybe I'm the only one, plus some of the caucus here who are worried. But I'm worried. I'm worried because the parliamentary assistant rose in this House and talked about incurring 2.5 billion new dollars in debt as a technical amendment, as a housekeeping process: \$2.5 billion as a technical amendment introduced by the Minister of Community and Social Services, not the Treasurer and not the Minister of Education and Training.

How do we incur this debt? You know how we incur this debt, Mr Speaker? We incur this debt because for 42 months straight we will not make any payments to the teachers' pension plan.

You want to know the real irony about this, the absolute irony about it? This government, in opposition, swore a blue streak when Conrad Black dipped into the pension funds at the Dominion store. But that pension fund at Dominion had one major difference than the one

you're pilfering. That pension fund had a surplus, a surplus in the private sector. This government, with the chirping Minister of Housing, has a deficit of \$7.2 billion this year, and \$2.5 billion will be accrued by simply not making their payments.

The focus is not on this government, but you want to know how sick and sad this has gotten? This technical housekeeping amendment to incur \$2.5 billion more debt on behalf of the beleaguered taxpayers—this government needs changes to what? They need changes to the Pension Benefits Act. Why do they need changes to the Pension Benefits Act, you ask? Because if somebody in the private sector tried this stunt, they'd be contravening the very act they're asking for amendment so they can do exactly the same. Irony. There are stronger words, but not parliamentary. Irony is one of them.

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Mr Randy R. Hope (Chatham-Kent): Better read the last regulations that came out a while ago.

Mr Stockwell: Now I have to listen to a lecture from the mayor of Chatham over here on whether or not there's a \$2.5-billion deficit.

The Speaker: Order.

Mr Stockwell: I myself find it difficult, frustrating and hardly fair of this government to be end-running its financial commitments. But you know what really ticks me off? What really ticks me off is all these tricks they've used. They've used the crown corps to offload debt; they've used not making payments to the teachers' fund to show a lower debt; they've used this non-payment of the teachers' pension fund to reduce their payments to this fund over the next 42 months.

Then they act shocked and dismayed when bond rating agencies come out and downgrade them. They suggest it's a conspiracy by the bond rating agencies. They're starting to see capitalists under rocks, for heaven's sake. This government's suggesting that bond rating agencies are conspiring to make this government look bad when in reality they don't need anybody's help to make themselves look bad. So—

Hon Elmer Buchanan (Minister of Agriculture and Food): Your time's up.

Mr Stockwell: No, I'm sorry, the time's not up. At \$2.5 billion, I'm going to take the full time. I figure I've earned it. The unfunded liability is not the end. They've asked this pension fund to kick out \$300 million that they have already paid.

Hon Ms Gigantes: You know what 20 minutes is?

Mr Stockwell: Excuse me, if you want to heckle, I'll listen. Go ahead. I want to hear your defence. I'd love to hear your defence. I've given them an opportunity. What's your defence? Please, chirping Minister of Housing, heckle. What is your defence? I'll note for the record the Minister of Housing is not chirping, she's smiling.

Hon Ms Gigantes: I'm laughing.

Mr Stockwell: There she goes. The problem that you get with this government is you put the positions forward, you put the arguments in front of them, they want to

heckle while you're speaking but when it comes to defending these charges, rising to the challenge, there is no debate, there is no defence. They know the public's not watching, so they go out and borrow \$2.5 billion more and they think this caucus will simply sit idly by and let them allow this province to go broke in a sea of red ink.

You know, \$2.5 billion is 10% of the last Progressive Conservative budget, the last budget brought into this House. It's 10% of that entire budget. The last budgets that we brought in, some deficits we brought in in the 1980s were less than this money you're deferring in pension payment plans. You're going to increase—they've got \$9.5 billion admitted to by the Treasurer. Most lending agencies are suggesting it's \$11 billion to \$12 billion, \$11 billion to \$12 billion added to this \$2.5 billion over time. This government is fiscally irrational. They haven't got any sense of finances; they have no sense of borrowing. I say to this government, I would ask this government—

Mr Drummond White (Durham Centre): Ask away.

Mr Stockwell: I thought I had a defence from the Minister of Housing, but it wasn't. I was hoping it was her defence. I would ask this government one thing: Would you please issue a statement for the taxpayers of this province showing but one thing, showing the consolidated debt that you've accrued on behalf of the taxpayers?

It's not a lot, it's not much for somebody to ask considering they're paying taxes. It's not anything more than a shareholder would ask their corporation. It's not anything more than a business would be asked by the bank. I ask you to do one thing. Take all the debts that you've accrued, add them up and tell the taxpayers, once and for all, how much money you have borrowed on their behalf to run this province.

They won't do that for the same reason the Minister of Transportation won't tell you how much money he's generating on photo-radar, because they'd be damned embarrassed.

The Speaker: I thank the honourable member for Etobicoke West for his contribution to the debate, and invite any questions and/or comments.

Mr David Turnbull (York Mills): The point my colleague brings to bear that this debt, which will be accrued as a result of this legislation deferring the teachers' pension benefits, is 10% of the last PC budget is a pretty sobering thought. All I can say is I think it's disgraceful that the Minister of Housing sits there giggling her head off, because her ministry has been one of the most extravagant ministries we've ever seen, wasting money on the most foolish housing program, an absolutely indefensible housing program.

We've seen the government allowing the Workers' Compensation Board to fritter away money. We now know that the building, which they should never have been building in the first place, is going to cost a mere \$40 million more than they told us at the beginning. Now, we've got \$2.5 billion which is going to accrue to the accumulated debt of this province that the taxpayers,

not you, not the people in this House, but our children and our grandchildren are going to be paying. It is absolutely disgraceful because you will drive them out of the province because there's no future if you have to inherit massive debts.

This is a government that has more than doubled the total debt we've had since Confederation in a mere three years. This goes into the Guinness Book of Records in terms of debt accumulation. This is an Olympic record. This is something that our children are going to remember for ever, and it will be the death of your party. We know there's already a movement afoot to create a new left-wing party because they want to cut themselves off from this party in the government because they are so nauseated by the efforts of this government. The fact that while my colleague debates the ministers just giggle shows how much contempt for the taxpayers you have.

Mr Phillips: The member for Etobicoke West added an important element to the debate, one I think we should focus on.

I heard the Minister of Housing across the way say, "Well, it's just a hypothetical debt." If you actually believe that, as I said, this is why the government's in so much difficulty. If the minister thinks this is a hypothetical debt, the teachers of the province are going to be very interested to hear that, that they don't think the money the government says it owes the fund is real money.

If you don't think that's real money that you have to pay back with real dollars to teachers who are counting on the money, if you simply think that's a hypothetical debt, our friend from Etobicoke West is absolutely right, you're dealing in Never-Never Land. You're not dealing with reality. This is real debt, real money, and you've just paid a bundle of money to have these reports done that show it's real debt. It's not a hypothetical debt.

Mr Bradley: What does the actuary say from the teachers' fund?

Mr Phillips: The managers of the teachers' fund say they disagree with the way the government's going to handle this. As a matter of fact, we asked this question—my colleague from London North will remember—of the government officials, "Why, when the pension board said that you should do it another way, are you doing it this way?" The answer was, "Well, we take into consideration

the needs of the government, and the needs of the government are to show a lower deficit, a lower debt, so we're going to do it this way."

The member from Etobicoke is absolutely right.

Mr Bradley: It doesn't fool the bond agencies.

Mr Phillips: It will not fool the bond agencies, to answer to my colleague. You've got to come to grips with the total debt you're writing up, and you will fool nobody at all, as the member for Etobicoke West points out. This is real debt, growing real quickly, real dollars attached to it, real trouble coming. It's time, as the Premier says, for you to get real.

The Speaker: Further questions and/or comments? The member for Etobicoke West has up to two minutes for his reply.

Mr Stockwell: This is what's incredible. The Minister of Housing just has no idea what she's talking about. She says they have \$30 billion worth of assets and, if you don't know that, you don't know what you're talking about. You see, this minister is typical of this government. The assets of the pension plan have nothing to do with the unfunded liability; nothing. The problem with this government is you get fed a line that's absolutely wrong, totally inaccurate, you spout it out in this House, and we sit here in utter amazement that a minister of the crown can be so uninformed.

The \$30-billion asset means nothing. So what? There is a \$7.2-billion unfunded liability. That's the figure, \$2.5 billion over 42 months, added to your \$7.2 billion. If you want a little bit of an explanation, come on down to my office tomorrow and I'll explain it to you. Clearly you haven't got a clue what you're talking about. You sound like the Minister of Transportation talking about the \$30 billion in assets. The assets have nothing to do with the unfunded liability, so why are you saying it? You're shaking your head now.

Honest to God, the fear of this—the fear is not the \$2.5 billion; the fear is not the \$30-billion assets; the fear is not photo-radar. That's not my fear any more. My fear is these people are running my province. It's crazy.

The Speaker: It being 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2402.

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Honourable David Warner

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Président
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Tuesday 14 December 1993

The House met at 1332.

Prayers.

INTRODUCTION OF MEMBER FOR ESSEX SOUTH

The Speaker (Hon David Warner): I beg to inform the House that the Clerk has received from the chief election officer and laid upon the table a certificate of a by-election in the electoral district of Essex South.

Clerk of the House (Mr Claude L. DesRosiers):

"Mr Claude L. DesRosiers

"Clerk of the Legislative Assembly

"Room 104, Legislative Building

"Queen's Park

"Toronto, Ontario

"M7A 1A2

"Dear Mr DesRosiers:

"A writ of election dated the 25th day of October 1993 was issued by the Honourable Lieutenant Governor of the province of Ontario and was addressed to Everett deJong, returning officer for the electoral district of Essex South, for the election of a member to represent the said electoral district of Essex South in the Legislative Assembly of this province in the room of Remo Mancini, Esq, who since his election as representative of the said electoral district of Essex South has resigned his seat. This is to certify that, a poll having been granted and held in Essex South on the second day of December 1993, Bruce Crozier, Esq, has been returned as duly elected as appears by the return of the said writ of election, dated the 10th day of December 1993, which is now lodged of record in my office.

"Warren R. Bailie

"Chief election officer

"Toronto, December 13, 1993."

Mrs Lyn McLeod (Leader of the Opposition): Sir, I have the honour to present to you and to this House Bruce Crozier, the member-elect for the electoral district of Essex South, who has taken the oath and signed the roll and now claims the right to take his seat.

The Speaker: Let the honourable member take his seat.

MEMBERS' STATEMENTS

FOREST INDUSTRY

Mr Michael A. Brown (Algoma-Manitoulin): I wish to report to the House on the work of the Liberal task force on northern concerns and issues. Over the past year, as members know, this task force has been touring northern Ontario and has been investigating the needs and wishes of northern Ontario.

Two weeks ago we heard of a concern regarding stumpage fees. We have raised this issue in the House many times, but I think for the benefit of the Minister of Natural Resources we should read this bill into the record.

"Here are the figures that I was able to compile regarding the loss of revenue to Fort Frances and Atikokan private logging contractors for the month of July,

1993....The contractors could not deliver the wood due to the high stumpage rates charged by the Ontario government, resulting in a loss of income for local contractors"—and, I might add, local workers.

Boise Cascade did not purchase \$764,000 of wood; Atikokan Forest Products did not purchase \$922,000 worth of wood; the loss of revenue to the local economy was \$1.686 million and the loss to the crown, to the province of Ontario, in lieu of stumpage fees was \$230,000.

The government's forestry policy is totally inadequate and kills jobs.

WOLF POPULATION

Mr Leo Jordan (Lanark-Renfrew): This statement is for the Minister of Natural Resources. A proposed decision by the Ministry of Natural Resources will result in the decimation of deer populations in Renfrew county and a substantial loss of livestock.

This will occur if the MNR proceeds by changing the predator control policies to place a total ban on all hunting and trapping of wolves from December 15 to March 15, 1994. This policy, which is supposed to protect wildlife, will threaten wildlife and create a severe ecological imbalance.

If the minister allows the wolf population to go unchecked, more sheep and other livestock will be destroyed by wolves. The people in the affected areas have told us that the elimination of the bounties on wolves has already led to an undesirable increase in the wolf population.

Your new proposal to ban hunting and trapping will make matters worse. The townships of Sherwood, Jones, Burns and Bromley have passed resolutions requesting that you reconsider this ban and consult the public on this issue.

Minister, I ask that you act upon these resolutions, scrap the proposed ban and consult the people before developing a strategy. By listening and consulting, you may find that you can avoid a policy which will bring harm to our farmers and to the ecosystem.

OPPOSITION MEMBERS

Mr Gordon Mills (Durham East): This point in time in the calendar is one of traditions, of goodwill and all the good stuff for Christmas. But I've got a message that I want to dish out today to Mrs Gloompot of the opposition and Mr Gloompot of the third party.

The Speaker (Hon David Warner): No. The member knows better—

Mr Mills: I want to talk to the associate members of gloom and doom, then.

1340

Mr Ron Eddy (Brant-Haldimand): On a point of order, Mr Speaker: I respectfully bring to your attention that the member is using unparliamentary language. The word he has used has connotations that I'm not sure he realizes.

The Speaker: In fact, members may not have heard. I asked the honourable member to rephrase his statement. Would he do so now, please.

Mr Mills: That's awful. I'm just saying that you people, all you gloom-and-doomsters—and I can name all the members over there, the member for Etobicoke West and the member for Finchley, I mean Don Mills—it's time to get your act together and become a gloom-buster and not a gloom-and-doomer. You'll do this province a great deal better if you get on and stop being so full of gloom and doom every day you stand in your places. The people of Ontario are sick to death of it.

JORDAN BRIDGE

Mr James J. Bradley (St Catharines): Unfortunately, this past week we've had a fatal accident near the city of St Catharines on the Jordan Bridge.

Members of the House may recall that on June 19, 1991, I directed a question to the then Minister of Transportation, Mr Ed Philip, now Minister of Municipal Affairs, and I said the following. I was quoting Ray Konkle, the mayor of Lincoln, and said: "It is not a question of if the bridge will fall; it is a question of when. They've got an accident waiting to happen. Three pieces of the Niagara-bound bridge have already fallen into the harbour, with the last piece measuring about 46 centimetres by 20 centimetres." The St Catharines Standard in an editorial on 17 June has called for its replacement."

The accident happened last weekend. It was not as described previously, but "the accident has prompted the mayor"—and myself and others—"to urge the province to fast-track the construction of a new bridge over Jordan Harbour....Not only is the existing bridge unsafe," according to the mayor, "but accidents create potential hazards for Lincoln when heavy highway traffic—which increases steadily each year—is diverted through the town's side streets, often for hours at a time....Lincoln Fire Chief Clair Rouse said the bridge is a magnet for accidents and said its replacement 'won't be soon enough.'"

I call upon the government now to commence immediately, I'm sure with the support of my Niagara colleagues, the construction on the bridge over the Jordan Harbour for purposes of safety.

BUSINESS AWARDS

Mr Ernie L. Eves (Parry Sound): I was delighted to attend the 96th annual meeting of the Parry Sound Area Chamber of Commerce on Saturday, December 4. One of the highlights of the meeting was the presentation of the 1993 business awards.

Interjection.

Mr Eves: Yes, all two of them.

We all know the Parry Sound district is one of the province's premier vacation destinations. Tourism is the mainstay of the economy in the riding and the Parry Sound Area Chamber of Commerce recognized the dedication and determination of Ingrid and Ernie Muller with its tourism award.

The Mullers have owned and operated the Jolly Roger Inn in Foley township for 10 years. In that time, they

have expanded their facility from a staff of nine to as many as 50. The Jolly Roger Inn has undergone several major expansions and now boasts recreational and conference facilities as well as luxury accommodations serving the traditional summer clientele and the ever-expanding winter tourism market. Just last month, the Mullers were awarded the prestigious Northern Ontario Business Award.

Northern Computer Systems Inc was honoured by the Parry Sound Area Chamber of Commerce with its entrepreneur award. Thirteen years ago, this father-and-son team of John and David Cox began a business specializing in software programs. Today, Northern Computer Systems Inc lists in its clientele such major corporations as Inco and General Motors. It is internationally known for its aerospace programs and exports to clients in South America, Ireland and the United States.

MUNICIPAL GOVERNMENT

Mrs Karen Haslam (Perth): Last week, there were two very important elections in my riding of Perth also. On Tuesday evening, the Perth County Board of Education trustees elected Mr Peter Stulp as their chair and Mr Paul Parlee as vice-chair of the board.

Both Mr Parlee and Mr Stulp have served as trustees on the board for many years. They join Ms Louise Martin who, the week before, was renamed chair of the Huron-Perth separate school board.

As well, on Wednesday afternoon the Perth county councillors elected Mr Robert Mathers as the new warden for Perth county. Mr Mathers represents Elma township on county council, as does Mr Stulp on the board of education.

I'm very proud to represent Perth and to work with such dedicated leaders as these four individuals, as well as the mayors, reeves and councillors of our other cities, towns and villages. We work together for the people of Perth, and I congratulate Ms Martin, Mr Mathers, Mr Stulp and Mr Parlee and look forward to our continued cooperative efforts.

LEADER OF THE THIRD PARTY

Mrs Elinor Caplan (Orillia): As this House comes to a close, I thought it might be appropriate if I provided the Legislature with an overview of Mike Harris's year.

In March, Mike told us that he supported the Mulroney government's disastrous economic policies.

In April, we learned that the tax fighter was really the tax hiker. While a member of the PC government, Mike Harris had voted for over \$1 billion in new taxes.

May was the month when Mike Harris promised that his government would eliminate the deficit and deliver a balanced budget in two years, yet he was unable to say just how he would do that.

In June, Mike Harris supported the social contract on second reading. "Bang, bang, bang," he said. Yet in July, Mike performed his famous flip and voted against the social contract on third reading.

It was August when Mike met Helle Hulgaard. Enough said about that.

Then in September, we saw Mike Harris following Kim Campbell around the province. I remember Mike saying he wasn't sure if he was going to vote for Kim, yet he did.

In October, after the election, the province heard that Mike Harris shares the same goals as the Reform Party.

November provided Mike with an opportunity for yet another flip—I would say a flop. He said he was in favour of beer and wine in the corner store. I guess he simply forgot that he had voted against this proposal when the Liberal government proposed it. Also in November, Mike told the Ontario Hospital Association that he wants to destroy medicare with user fees for health care.

Finally, in December, he was left speechless when the people of Essex South elected Bruce Crozier and gave the Tory Harris team only 18% of the vote.

What a year 1993 was. I look forward to 1994.

COUNSELLING AGENCIES

Mrs Elizabeth Witmer (Waterloo North): Waterloo region's eight community counselling agencies provide counselling on a wide range of personal and interpersonal problems to individuals and families who are on social assistance or UIC or are low-income earners. Family concerns, couple conflicts, personal problems, financial difficulties, a variety of addiction issues and emotional, physical and sexual abuse are among the many problems which these agencies help people resolve. Last year, these eight agencies helped over 6,200 families.

Under this government's expenditure control plan, employment and counselling services were given a target reduction of \$2 million and the government indicated that it would be reviewing and restructuring these services.

The counselling agencies of Waterloo region are very concerned that the government's actions will have a negative impact on the people who rely on their services. These agencies play an important role in improving the quality of life of the people in my community, and I strongly support their efforts.

I urge the Minister of Community and Social Services and his colleagues to support the counselling services in this province so that they can proceed with the fulfilment of their mission and prevent the erosion of funding that everyone has worked so hard to achieve for these people who are socially and economically disadvantaged.

JORDAN BRIDGE

Mr Ron Hansen (Lincoln): I'm going to comment on the statement which the member for St Catharines, Mr Bradley, just made about the death of a young woman on the Queen Elizabeth Way at Jordan Harbour.

I can tell you that this has been a problem for over 20 years. Right now, work is progressing on the Queen E on the replacement of this bridge; the north service road is under construction, as it is right now, which will take traffic off that bridge. At 11 o'clock tomorrow, the mayor of Lincoln, Mayor Konkle, will also be coming up here to Toronto with other issues involved in the relocation of the bridge in Lincoln.

My heart also goes out to the family who lost their

mother in that particular accident. It happened on Friday, when I had a meeting in my office with other people coming from the peninsula, who said there had been a bad accident but had no details. I read it in the paper later on.

This government is moving ahead to improve safety on the Queen Elizabeth Way in the corridor from Toronto to St Catharines.

1350

The Speaker (Hon David Warner): Statements by ministers, the Minister of Municipal Affairs.

Mr Allan K. McLean (Simcoe East): On a point of order, Mr Speaker: Would the minister have any extra copies?

Hon Ed Philip (Minister of Municipal Affairs): If they haven't circulated them, we'll certainly obtain them for you.

The Speaker: If the minister would wait just a moment.

STATEMENTS BY THE MINISTRY AND RESPONSES

PLANNING AND DEVELOPMENT REFORM RÉFORME DU SYSTÈME D'AMÉNAGEMENT ET D'EXPLOITATION

Hon Ed Philip (Minister of Municipal Affairs): I'm pleased to rise today to introduce the government's response to the recommendations of the Commission on Planning and Development Reform in Ontario, headed by John Sewell. Today we are reforming the system that we set out to change two years ago when the commission was first established. The reason the commission was established was because the public had lost confidence in Ontario's land use planning system.

The current system is a problem. It is slow, costly, full of duplication and is an obstacle to the current economic recovery. The commission heard complaints about delay, about red tape and the time it takes to have a decision made. Some people thought the process was difficult to gain access to and that everything was up for negotiation and nothing was certain. Across the province, many thought the process failed to adequately protect the natural environment. This red tape is more than a frustration and an extra cost to builders, developers, municipal representatives and environmentalists; it is a barrier to development and the jobs in the construction industry and other sectors.

Our government agrees with the framework for planning recommended by the commission in its final report in June. The system must be changed. The building and development industry demands it, the municipalities need it and public confidence depends on it.

We are adopting the commission's main recommendations as a framework for a new planning system, one that is faster and less confrontational, with clear rules on policies, roles and responsibilities. Green planning and good, efficient planning will work together to help us meet our environmental and economic goals.

The commission's final report is a tremendous body of work. Commission chair John Sewell and commissioners George Penfold and Toby Vigod deserve to be recognized

and applauded for their efforts. I suggest that they rise. They're in the east gallery.

Following up on their excellent work, we have embarked on a three-part plan to fully reform the system: streamlining to speed up the process, policies to strengthen environmental protection and greater local control over the development process.

Our three-part plan begins with efforts to streamline the system. We are announcing today that we intend to establish specific time frames for provincial and municipal planning decisions. To speed matters, once a decision is made by approval authority or time has expired, appeals can be made to the OMB. As well, there will no longer be appeals to the OMB of minor variances, local matters such as lot sizes which we believe should be handled locally.

We also make the Ministry of Municipal Affairs the lead ministry in planning. It will coordinate land use planning in various ministries and provide better customer service through a one-window approach. And we will expand planning boards in northern Ontario on a voluntary basis to put control of local development in the hands of local decision-makers.

These reforms will complement the initiatives already under way by Dale Martin, the provincial facilitator, and by the Ministry of Municipal Affairs. They have a number of projects in place to shorten the approval time, to provide upfront and more comprehensive information to developers so that they know what to expect in the process and to speed up the existing system of resolving planning disputes by handling appeals that can be dealt with outside of the formal OMB hearings.

Our expectation is that these reforms will speed up the system substantially. This will help us get shovels in the ground and create badly needed construction jobs across Ontario.

The second part of our plan involves the implementation of a comprehensive set of policy statements which will strengthen environmental protection and give direction to all planning activity in Ontario.

Today, I am releasing six provincial policy statements for a 90-day consultation period, as recommended by the Sewell commission. These policy statements will clearly set out provincial interests in environmentally sensitive areas, agricultural lands and other lands with specific features.

As a province, we have a responsibility to promote sound development. We want to protect significant environmental features and keep prime agricultural land in the hands of farmers. We care about protecting and using mineral and petroleum resources and providing a supply of affordable housing.

We want policies in place that will remove uncertainties so that those involved in making planning decisions and planning applications will know what is acceptable under provincial policy. Certainty will result in faster, better and more consistent decisions. Good development will be able to proceed more quickly, creating jobs and economic opportunities.

We will also consult on an amendment to revise

section 3 of the Planning Act and tighten up the legislation to require that planning decisions "shall be consistent with" the provincial policies rather than the current "shall have regard to" provision. This new standard should give more strength to provincial policy direction while at the same time providing enough flexibility to allow for innovative and practical implementation.

The third component of our plan involves putting decision-making power where it belongs: in the hands of local government. We are clearly defining the roles and responsibilities between the province and municipalities in land use planning to improve efficiency and reduce overlap. At the same time, our reforms will reflect the diversity of the municipalities in Ontario, large and small, urban and rural, and allow some flexibility to local needs.

We intend to give municipalities greater local control over the developmental process. Local governments will have the power to plan and to improve development applications, while the province will primarily set broad policy objectives and have a reduced role in development approvals.

The Ontario Municipal Board will continue to resolve disputes. We understand some people are concerned about the division of planning roles between upper- and lower-tier municipalities. This issue has not been resolved yet, and we want to hear the views of the municipalities. Clear provincial policies mean that the province will have increasingly less involvement in individual development applications.

If developers can get quicker decisions because rules are clear and decisions are made at the local level, then they can bring good development on stream faster and create employment. We will listen to and take into account the feedback we get throughout the reform process, especially in our consultation on policy statements, before we issue our final reform package next spring.

There is an urgent need to have a planning system that is efficient. We have not had it in the past. There is clearly an urgent need to have a planning system that is not an obstacle to development. It is especially important that we consider the significant expenditure of provincial dollars in public works and infrastructure. We need a system that will get good, environmentally sound development on stream quickly to create jobs and economic opportunities.

I'm sure that future generations of Ontarians will look back on this work as the turning point in the way we see it and the way we plan good, healthy communities.

The Speaker (Hon David Warner): Responses, official opposition.

Mr Ron Eddy (Brant-Haldimand): Although the NDP promised to streamline the approvals process, today's announcement will result in increases in bureaucracy and will increase the length of the planning process. Our concerns are that the NDP plans will make the system even more costly and cumbersome and will not improve efficiency, and this comes from AMO as well.

1400

Sewell started out by saying the right things about

streamlining and speeding things up, and they need to be, but this \$2-million project quickly fell off the rails when it recommended banning all septic systems and it never really got back on.

The minister wants to increase provincial intrusion into local planning decisions. Let local planning be local. We seriously question how the approvals system can possibly be made faster if provincial approval is still needed for many planning matters. Rather than setting an appropriate framework and removing itself from the process, the province would continue its patchwork approach to planning and the system will not be speeded up at all.

The final Sewell report also recommends that yet another layer of bureaucracy be added to the planning process, ironically in order to streamline the process. The report recommends that regional planning review committees be established and that provincial approvals be delegated to ministry staff on these committees.

Planning decision by bureaucracy is not acceptable in my riding, I'll tell you, Mr Minister. This recommendation is very, very disappointing, giving the approval to the commission's original intent to speed up the planning system by delegating these approvals to municipalities and decision by bureaucracy.

The housing industry is upset, AMO is upset and has very, very many concerns. I don't have time at this time to elaborate them, but I would say that they feel the report's recommendations will remove local decision-making authority and will lead to further delays in the planning process, and they're worried about the scope of the provincial policy statement. But thank you for giving us—and realizing more time is required, I defer to the member for Ottawa East.

M. Bernard Grandmaître (Ottawa-Est) : Je comprends qu'il est important pour le ministre de faire son annonce aujourd'hui. Mais, par contre, j'ai sur mon bureau justement une lettre du maire de Toronto et de l'Association des municipalités de l'Ontario qui critiquent déjà, même avant la consultation, même avec la consultation du ministre et du ministère. Aujourd'hui on a des objections.

J'ai toujours pensé que M. John Sewell avait un agenda assez précis du gouvernement non d'aller défaire le système qui existe aujourd'hui, mais par contre de l'améliorer. Je ne vois aucune amélioration dans la présentation du ministre aujourd'hui.

J'ai assisté à sa conférence de presse et je vois que les municipalités de l'Ontario vont avoir encore à s'agenouiller devant le ministre et le ministère pour faire accepter les changements dans les plans directeurs des municipalités.

Je ne comprends pas pourquoi John Sewell a pris deux ans pour répéter à peu près les mêmes choses dont tout le monde se plaint. Les municipalités se plaignent qu'il est encore plus difficile aujourd'hui de se présenter devant la Commission des affaires municipales, l'«OMB», comme on l'appelle, dû à ces complications, et le ministre, ou même M. John Sewell, n'a pas voulu toucher ou défaire la Commission des affaires municipales.

Le bobo, le problème inclut la Commission des affaires municipales. Le ministre se devait de faire un changement au niveau de la Commission des affaires municipales pour faciliter la tâche non seulement des municipalités mais pour faciliter la tâche du commun en Ontario, des Ontariens qui veulent se présenter sans avoir accès à un avocat, à un ingénieur et toutes ces choses-là.

Je crois que c'est la responsabilité, avant de remettre un rapport final et complet, qu'on fasse les changements nécessaires au sein de la Commission des affaires municipales pour que, enfin, les municipalités, les Ontariens connaissent vraiment les intentions du gouvernement.

Mr Michael D. Harris (Nipissing): I and several other of my caucus members wish to comment on the statement that the minister has just made.

You've got all the rhetoric right. You want to streamline. Never have I seen anybody bring a proposal in to streamline by adding another layer of bureaucracy that has to be gone through.

Obviously we support the goals. We've supported many goals, though, of rhetoric that you've brought forward, and when it comes to the incompetence of acting on it, it gets to the ridiculous.

First of all, you started with John Sewell, the man who left Toronto in a mess, and now has taken those same intensification solutions—pack more people into less square footage—and he wants to take those policies and ruin the rest of the province. He fits right in with your cabinet and with your government and with Bob Rae. Everything has to be intensified.

Here we have on page—you've got so much here and so little time to say it. Municipalities have been given greater control of the development process. There'll be nothing left for municipalities. You talk on page 7 of the document *A New Approach*—by the time you put in all the criteria of policies, there'll be no land left to develop; none. The only thing left to be developed will be that which can't be sold.

This policy is so ridiculous, the limitations that you've put in on this, that we don't see anything happening, any movement, and it's supposed to streamline.

We support the goals, but once again, you've shown your incompetence, you've shown the ridiculousness of how you think this is going to be worked out. You talk about the five areas, 90 days. You're going to solve to everybody's satisfaction natural heritage and ecosystem protection, community development and infrastructure, housing, agricultural land use, conservation of energy and water and mineral resources, all that's going to be resolved in 90 days. I will be here 90 days from now. You will not have resolved to the satisfaction of Ontarians one of those. Not one of those will have been resolved with this new layer of bureaucracy that you're going to bring forward.

Mr Speaker, I want to tell you this: This government talks about cutting red tape and you, like the Liberals before you, try and cut red tape lengthwise, and the more you cut, the more red tape you've got in front the people of this province.

Mr Allan K. McLean (Simcoe East): I want to speak

briefly with regard to the statement from a municipal point of view because there are a lot of municipal politicians out there today who will be looking at this announcement and will be wondering what it's all about.

I've got to say to you, Mr Minister, the fact is that if you're going to develop the policy, what input is the local municipality going to have? The Minister of Health and the Minister of Agriculture and the Minister of Environment, I would be interested to know the input that they had to this and what input they're going to have to what the projects can be all about.

When you look at doing away with the 18 months of the ministry review in the 22 ministries, I think that is a step in the right direction, but I'm going to tell you, when you're laying out the policy of what's going to take place, there'll be no severances, there'll be no septic systems. Are there not going to be any dumps on good agricultural land? Are you going to continue to put dumps on good agricultural land like you're promoting?

I say to you, Minister, your policy is flawed, and when the municipal people get to speak to you at ROMA, I know that they will give you a piece of their mind because it's not what they want.

Mr Bill Murdoch (Grey-Owen Sound): First of all, we had the Sewell report and now we've got the Philip report. Neither one of them are worth the paper they're written on. Both of them should be put in the garbage and burned together because what happens is, there's no local autonomy here. The minister again says, "We'll let you decide in the municipalities, but we're going to tell you how to decide."

Typical socialists—they want to run everything and let no one else decide.

1410

LEGISLATIVE PAGES

The Speaker (Hon David Warner): I invite all members to join me in thanking our group of pages, who have served so diligently and with great enthusiasm the last few weeks. Thank you.

VISITORS

The Speaker (Hon David Warner): I also invite all members to welcome to our chamber, and seated in the Speaker's gallery, a very special delegation from the National Assembly of Quebec. The delegation is headed by Robert Lesage. He is joined by François Beaulne and France Dionne. Please welcome our guests. Bienvenue.

Hon Floyd Laughren (Deputy Premier and Minister of Finance): I wonder if I could have unanimous consent of the House to make a few remarks on the passing of Fred Young.

The Speaker: Do we have unanimous consent? Agreed.

FRED YOUNG

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Fred Young passed away yesterday. As many members here will know, even though they may not—as a matter of fact, none of them did, or almost none of them—have served with Fred Young, he served in this chamber from 1963 to 1981. It is almost a cliché

to say that people serve with distinction, but those words really truly apply to Fred Young. He served with great distinction.

Before he came to this place, he had served as a councillor in North York township and I believe also one term as deputy reeve. He was an ordained minister before he got involved in political life, and I must say that all of his speeches, his comments, his work, in fact his life, reflected that value system. Virtually everybody who came into contact with Fred became his friend and became very fond of Fred.

He pioneered in this province in a couple of areas. One had to do with the way in which we view highway safety. He was a pioneer in the development of seatbelt legislation and the fact that it is now mandatory. He also talked about—and people at that point used to roll their eyes a bit when Fred talked about it—air bags as being a factor as well and something that should be built into all new cars.

A lesser-known fact of Fred's crusades was when he established on a voluntary basis something he called a riding service centre when he was an elected member for Yorkview. Although that service centre consisted of volunteers who provided service to Fred's constituents, in 1975, of course, legislation was passed which introduced the constituency offices that we know today.

I can only speak for myself, but I can't imagine any of the members in this assembly being able to do their job in this place, let alone back home, and to represent their constituents to the degree they do now if we did not have that service, and Fred was the one who pioneered it at the beginning on a voluntary basis.

I was elected in 1971, and my first term in office, sitting over there, I sat beside Fred and was the recipient of an enormous amount of gentle wisdom that came from Fred. He was gentle, but he had a dogged determination to pursue the causes in which he believed so very, very strongly. I know the causes that he pursued invariably were designed to improve the lives of other people and not his own.

I shall always remember Fred with great fondness. On behalf of our caucus, the government caucus, we extend our condolences to his wife, Winnifred, and their two children.

Mr Sean G. Conway (Renfrew North): I want to join, on my behalf and certainly on behalf of my Liberal colleagues, with the Minister of Finance in expressing our condolences to the family of the late Fred Young.

I remember well serving in this assembly for two terms with Fred. He was a courtly and very focused member of the Legislature who was involved in a number of things but probably, as the Treasurer has indicated, most famous for his very long-standing involvement with highway safety. In fact, when I heard yesterday from the Premier that Fred had died, we were in the midst of discussing photo-radar and I thought, "I wonder what Fred would have thought about that." I'll never know. He may have in fact spoken on the subject. But he certainly was a tireless advocate for improved measures in the area of highway safety. I remember speeches he made about

helmets. Bicycle helmets, I believe, at one point were very much on his agenda, and he served with distinction on a number of legislative committees focused on the whole question of highway safety.

What is perhaps not known by a number of people is that Fred ran for the leadership of the CCF. In 1953, he and Andy Brewin contested the leadership in Ontario with Donald C. MacDonald. I think Fred led on the first ballot. He was overtaken by Donald on the second ballot and went on for many years to serve very faithfully under the leadership of Don MacDonald.

Fred, before being elected—and he used to talk about this over coffee—spent years and decades as a field worker for the CCF, first in Atlantic Canada and later in Ontario. Fred did what probably most of us wouldn't do; he ran and I think he was elected in 1963, after four or five unsuccessful efforts federally and provincially. He worked for the CCF in the Maritimes in the 1940s and 1950s, where, he would tell you, the vineyard was not all that promising.

He also represents an important, very significant stream in Canadian political activity, and the member for Hamilton West knows this better than any of us. Fred Young, as the Minister of Finance has indicated, was a United Church minister and I believe he was the son of a United Church minister. He represents what I consider to be the finest aspects of the Woodsworthian tradition of democratic socialism in this province and this country.

Fred was quoted in the *Globe and Mail* as saying, in the midst of a debate about the way in which we got paid around here, that Fred Young was prepared to do the work of Parliament and the public's work for whatever salary was determined. His life's work is a tribute to that commitment, and we have lost in this province a wonderful public servant who will be remembered rightly for an enormous and positive contribution in this province and elsewhere in the country. We mourn his passing.

Mr Norman W. Sterling (Carleton): I would like to associate my party's feelings with those of the two previous members who have spoken about Fred Young. I knew Fred for a period of four years, from 1977 to 1981. As a government backbencher at that time, I want to indicate that at that time he had tremendous respect in the Legislature. I know the Premier of the day, William Davis, had a great deal of respect for Fred Young, for what he said and for what he stood for.

I can't really add much to the words of the others. In reading about him and knowing about him, he cared very much for not only what he did in the Legislature, but for what he did outside of the Legislature for each and every one of the constituents he worked for, and he worked for many of those on a personal basis.

I'd like to express our condolences to his family as well.

The Speaker (Hon David Warner): I would like to thank the honourable member for Nickel Belt, the member for Renfrew North and the member for Carleton for their kind and thoughtful comments, and add that this distinguished parliamentarian leaves, among other things, as his legacy the prayer which we say each day before

starting our daily business.

The comments by the members will be forwarded to Fred Young's family.

Hon Brian A. Charlton (Government House Leader): I rise to seek unanimous consent to make a few comments on the retirement of William Fowler.

The Speaker: Do we have unanimous consent? Agreed.

1420

WILLIAM FOWLER

Hon Brian A. Charlton (Government House Leader): William Fowler is going to be retiring after 27 years in the Ontario civil service. Twenty-seven years, of itself, is a long time, but some of us, in life, go through journeys that take us not only through many years but through many places as well.

Mr Fowler was born not too far from here in 1929 in the Bathurst-St Clair area and went to school at Oakwood Collegiate, but then went on to Carleton University, which was a new university at the time, and then on to his first employment in Montreal with Shell Canada. It's often the case that we may move around in life but often end up back not too far from where we began and with those roots that spawned us.

In 1966, Mr Fowler began his service with the Ontario government as a manager of systems development for the Ontario medical services insurance plan, which later became known as OHIP. During his career with the government, he has held various positions such as director of systems and processing for the Health Insurance Registration Board, director of information systems for OHIP, director of the Leaside data centre for the Ministry of Government Services and director of customer services for computer and telecommunications services in the Ministry of Government Services. In 1987, he became the director of the legislative information systems branch, where he's taken the branch through many technological changes.

His career has obviously been a very full one, and his work in the civil service on behalf of the Legislature and the public of this province has been a task which has been well accomplished and should be well remembered by the members here and those of us who know how important are the civil servants who deliver many services on behalf of the people of this province in sometimes difficult circumstances.

I would like to extend my sincere appreciation and congratulations to Mr Fowler on his retirement, to wish him all the best in his future endeavours and to hope that his family, some of whom I think are here with us this afternoon, will take the time to enjoy his retirement in ways that they've missed while he worked here with us. Thank you.

Mr Charles Beer (York North): I want to join with the government House leader in wishing Bill Fowler the very best as he takes his retirement.

It is significant, in looking at his career—and I would note in addition that when he came to the government, in 1966, was when I first came and started working, not in this place but across the street. One of the things that I

can recall being discussed a great deal at that time was this whole area of information systems, and especially what was happening to what we called OMSIP and OHIP. I think Bill was part of a group that in the mid-1960s did something that really was quite extraordinary, which was to put in place the OHIP system that we have come to know.

We know that sometimes there are problems with it, but the kind of revolution in information technology that took place at that time and which Bill and his colleagues had to try to sort out to get that system up and operating was really quite an achievement. I would not want, during this opportunity to speak about Bill, to not mention and stress that, because I think if you go back and look at the newspapers of the day, the commentary of the day, this was really a very significant undertaking and he was very much a part of it.

I think it's also interesting to note, and I don't know if my career to a certain extent interconnects with Bill's, because when I first came to the Legislature in 1987, that was when he came to help really put our information systems into the modern age. I think for any member who was here prior to 1987 or who came in 1987, when you think back to what was in your office, the kinds of services you had, we have really seen over the last six or seven years a tremendous change in our ability to communicate, to gather information, and again we owe a debt of gratitude to Bill Fowler.

Finally, I only want to say that there are times when people comment about the public service in Ontario. It is people like Bill Fowler and many others who serve within the Ontario public service and indeed in the broader public service who really bring a good name to being a public servant.

One of the ways we can show our appreciation is through a time like today where we say to Bill and his good wife that we wish you all the very best in your retirement and thank you for all your service over the past 27 years.

Mr W. Donald Cousens (Markham): On behalf of the PC caucus, I'd like to share in the remarks that have already been given to Bill Fowler.

In one person's lifetime to span three and a half generations is really quite a feat, and that's what he's done when you think of the technological changes he's lived through, going back to the days of the vacuum tube, the transistors and then the microchip, going back to the days of the punch-card era you would have been part of—you were at Atlas, and back in OHIP—then getting into tape processing, batch systems, and then moving through transactional systems to the networking we know today.

Here we see before us someone who's gone through at least three and a half generations of data processing in his lifetime. I knew him back in the days in OHIP, when I was working with Honeywell in the computer business and had the occasion to meet him then.

If there's anything that you have done, it is that you have continued to stay on top of the technology as it's gone through the different stages of evolution, to continue

to be on top of it, service-oriented, providing service to the end user.

If anything, your last several years have been a crowning achievement. To educate a bunch of politicians and their staffs on data processing has, in its service to humankind and the people of the province, been one of those things that I think will go down in history as an excellent achievement.

On behalf of our caucus, I say congratulations for the life of a public servant who has, number one, kept at the height of his own mind that sense of service to the people of Ontario, to the people who were looking after his pay and so on, but ultimately to make sure that in his service that he gave in return for a job that was important, the very best is what he gave, the very best to the people of the province.

I commend you for what you've done. May you enjoy your retirement, and may you get someone else in here to continue to do the kind of work you've been doing. We need to have that kind of leadership from the people who are helping us do a good job. Good luck.

The Speaker (Hon David Warner): On behalf of the assembly and the staff, I would like to tell Bill Fowler that he has served as a highly skilled professional with tremendous enthusiasm, imagination and creativity for nearly three decades. He has always served with tremendous dedication this Parliament and indeed the people of the province of Ontario. For that we are grateful, we thank you, we congratulate you and wish you the very best in the future. Thank you, Bill.

ORAL QUESTIONS

SPECIAL INVESTIGATIONS UNIT

Mrs Lyn McLeod (Leader of the Opposition): My first question is for the Attorney General. Minister, there are now new concerns that have arisen that affect public confidence in the special investigations unit of your ministry. You will be aware of reports that Fred Winston, a former US police officer who was hired by the special investigations unit, apparently claimed his experience was as a homicide investigator and that this experience may not in fact be accurate.

There are also reports that Mr Winston was fired from a previous position as a law enforcement officer, apparently after a number of criminal charges were laid. Through some incredible circumstance, it would seem that the SIU was unaware of this particular recruit's rather questionable history.

I ask you today, Minister, if you could explain to this House and to the people of this province exactly how this could have happened, what you are now doing to investigate the situation and whether you will take action to remove this investigator from the special investigations unit if the accusations prove to be true.

Hon Marion Boyd (Attorney General): My understanding of the hiring process was that reference checks were indeed done, as they normally are with individuals who are going to be doing this kind of highly sensitive investigatory work. I must say that until there is the completion of an investigation that's being done by the human resources division in our ministry, I'm not pre-

pared to make any comment on the allegations that have been made. I would remind the member they are allegations only and, as the opposition has indignantly pointed out in this House many times, we must make assumptions that people are innocent until they're proven guilty.

The member is also aware that in any kind of a human relation situation, misrepresentation of qualifications is a very serious issue, and we will take it seriously if indeed those allegations are shown to be true.

1430

Mrs McLeod: I raise the issue I hope with sensitivity but as well with very real concern. We believe that the special investigations unit of your ministry is entrusted indeed with a very special responsibility. They're entrusted with investigations that have a very significant bearing on public confidence in their safety and security, and as well investigations that have a very direct bearing on the careers of individual police officers. So the nature of the people who are hired to carry out those investigations to us is a very critical issue.

Minister, your response and the response earlier today of the director of the SIU, Howard Morton, raises some concerns for us about the way in which the SIU goes about hiring staff for its investigations. We wonder if in fact routine checks are made, the most routine check being to call an employer for a reference.

We believe that if the routine check had been made that involved calling the recruit's former employer, they would've known at least some of the facts about this individual's background. Our research staff called the Broward county sheriff's office today. They spoke to the supervisor of the crimes against persons department, and this individual also used to be in charge of the homicide department.

The supervisor did confirm that Fred Winston did not work on homicide cases, even though apparently the background for his coming onto the SIU was his record of investigating some 75 homicide cases. This individual also indicated that he has been unable, since receiving calls on this issue over the last few days, to find any record of Ontario authorities calling to check into this individual's background.

The Speaker (Hon David Warner): Would the leader place her question, please.

Mrs McLeod: If we were able to find out some of the facts of this individual's background by making one phone call, I think it's a reasonable question to ask why your ministry was not able to find this out, why the head of the SIU was not able to find this out. Why didn't the SIU do what every good employer would do: pick up the phone and call the former employer?

Hon Mrs Boyd: Whether or not the individual to whom Liberal research was speaking was aware of a call or not, my information certainly is that reference checks of former employers were done in this case, as they are in every case. If that is shown not to be the case, then obviously I would share the concern.

I would remind the member that it is not only police officers who have to be concerned about the very serious and very sensitive mandate of the SIU but all of us and

all citizens, because this is an extremely important part of our community accountability of our police forces, and it is of interest to everyone in the province that the integrity of the unit be maintained.

I would caution, again, that the member not, as she has done in the past, make assumptions and allegations until an investigation is completed.

Mrs McLeod: We all do need to be concerned and that's exactly why we raised the question in this Legislature. We raised the question fully aware that this is only the latest controversy that has surrounded the special investigations unit. You know well, Minister, that there have been allegations of interference, legal advice being offered to people who are involved in investigations. There have been continuing concerns about delayed investigations and concerns about mismanagement at the SIU.

We raise the issue because we believe the role of the special investigations unit is important, but for it to be effective confidence in that unit is absolutely critical, and each of these issues continues to erode faith in the special investigations unit.

We have been urging you and your government for some two years now to review the mandate and the operations of the special investigations unit. We ask you today if you will conduct that review, bring forward recommendations and act to restore confidence in your special investigations unit.

Hon Mrs Boyd: Indeed, as I have said in this House before, we are in the process of reviewing the mandate and the issues around the SIU. We have increased the resources to the unit. We have increased the space in which they are. There have been a number of hirings that have been done.

But I would remind the member that it's very interesting that no matter who seems to be hired or what seems to be done, there are attacks on the SIU. We need to always be aware that they are, as any other investigatory service would be, always in the public eye and there are those who do not agree with the findings that they make. That's true of any police force, it's true of any court and it's true of the SIU.

The member is well aware that the director of the SIU has denied categorically that any legal advice was offered in the case that she mentioned and that there is indeed an ongoing concern that's been expressed by the director of the SIU about the difficulties that are faced by a unit that has been underresourced.

So I would say to the member that we are as committed as she is—

The Speaker: Would the minister conclude her response, please.

Hon Mrs Boyd: —to ensuring that the SIU's effectiveness is improved. We would call on the opposition to support the efforts that are being made to try to resolve some of these issues and to at least give credit where credit is due.

ONTARIO HYDRO

Mrs Lyn McLeod (Leader of the Opposition): My second question is for the Minister of Finance. Yesterday,

the chairman of Ontario Hydro announced that Hydro's deficit this year will be significantly higher than the \$1.6 billion that it had forecasted. I see that the minister is looking for the Minister of Environment and Energy. I specifically wanted to address this question to the Minister of Finance because our concern with this question is the issue of deficits and debt, and that is an issue surely of concern to the Minister of Finance.

Minister, the announcement that the performance of Ontario Hydro is going to lead to higher deficits than predicted earlier has come to have a rather familiar ring when we recognize that your own projections of deficit are now going to be far higher than you originally had thought and that the WCB costs are escalating beyond what anybody ever imagined. So another indication that another public agency is going to encounter even higher deficits than it had expected is surely a cause of concern to everyone, including you as Minister of Finance.

My question is a very direct one to you: As Minister of Finance, can you tell us what exactly "significantly higher" will mean?

Hon Floyd Laughren (Minister of Finance): I assume the leader of the official opposition is talking about the provincial deficit and not the WCB unfunded liability and not Ontario Hydro's debt or deficit.

Mr Speaker, in a serious way, I am seeking clarification, because if the leader of the official opposition is asking me about Ontario Hydro's debt, then I will refer the question to the Minister of Energy. If she's asking me about the provincial deficit, I will respond myself. I would seek your approval to get clarification from the minister.

The Speaker (Hon David Warner): Would the Leader of the Opposition quickly clarify.

Mrs McLeod: My question to the Minister of Finance is, does he, as Minister of Finance responsible for the overall financial health of this province, know what the chairman of Hydro means when he says Hydro's deficit will be significantly higher than projected?

Hon Mr Laughren: In view of the fact that every minister of this cabinet is concerned about deficit and debts, I'll refer this question to the Minister of Energy.

Hon Bud Wildman (Minister of Environment and Energy): As my colleague the Minister of Finance indicated, all members of this government and I suspect all members of this House are concerned about questions related to the financing of Ontario Hydro and any projected losses that public corporation will experience.

We have had ongoing discussions with the chair of Ontario Hydro and senior staff with regard to the financing of Ontario Hydro. When the overall picture is clarified, I'd be happy to report to the House.

1440

Mrs McLeod: I was prepared to be somewhat amazed that the Minister of Finance would not know what kinds of deficits Ontario Hydro is now projecting. I am even more amazed that the Minister of Energy is not able to tell us today what the chairman of Hydro means when he says that the deficit is going to be significantly higher than the \$1.6 billion that was originally predicted. This is

debt, whichever minister wants to respond. Debt is debt, and that's the issue that we're getting at.

The minister is well aware of the commitment which we all applaud of the chairman of Ontario Hydro to freeze hydro rates so that the deficit, the poor performance, cannot be passed on through rate increases if that commitment is to be kept. That means that we are potentially facing much higher deficits, much higher debt. My question, which would have been to the Minister of Finance, is to ask, how will that significantly higher deficit, that greater debt, affect the province of Ontario's credit rating and affect our capacity for future borrowing?

Hon Mr Wildman: The preamble of the question leads me to understand that the Liberal Party and the leader of the Liberal Party are opposed to the freezing of Ontario Hydro rates for 1994. If that's the case, then I wish they would make it clear to the commercial and industrial sector across the province that the Liberal opposition in this House is opposed to the freezing of Ontario Hydro rates.

Having said that, the question of the debt guarantee and how that will affect the bond rating of this province, I'd like to assure the member that the government is confident that this will not have a significant impact in any way on the bond rating of this province.

Mrs McLeod: The protestations of absolute confidence would be better borne out if we knew at least what the deficit was going to be, if we knew how it was going to be managed or if we knew that this government was prepared to refer Ontario Hydro's plans to an independent review. Our concern is not that Ontario Hydro has decided to freeze rates. As I said, we applaud that. Our concern is that the plans that Ontario Hydro is putting in place to get its own house in order, to be able to keep that commitment to control rates, has escaped all public scrutiny.

Minister, you will recall that when Hydro announced there would be no rate increases last year, your government, you, decided that there was no need for hearings by the Ontario Energy Board on Hydro's financial plans. You decided that in spite of the massive restructuring that was being undertaken to get Hydro's financial house in order. We urged you to allow the Ontario Energy Board to hold hearings to examine the kinds of changes that Hydro was undergoing and allow these significant matters to be publicly debated, and you refused to do so.

Minister, I ask you again, will you refer to the Ontario Energy Board Ontario Hydro's most recent plans so that there can be public debate of its plans and how it is going to manage its cost and its rates?

Hon Mr Wildman: I hate to disappoint the Leader of the Opposition, but I would just refer her to a letter that I have in my hand that I have sent to the Ontario Energy Board, which I'd already done long before the question was asked:

"In light of the fact that there was no rate increase this year and therefore no hearing, I would like the Ontario Energy Board to review as early as possible the implications of Ontario Hydro's restructuring plan."

The Ontario Energy Board I'm sure will take this into

consideration and hopefully will move as quickly as possible to review the whole issue. This government had taken that action long before it even entered the head of my colleague across the way.

I would also point out for the information of members that they should take into account that the situation of Ontario Hydro is indeed improving thanks to the restructuring that has taken place. There are positive signs in terms of the sale of heavy water, for instance, as it relates to the Bruce and in terms of the overall impact of rate freezes on our competitive advantages or disadvantages, however you look at it, with regard to competitors in the United States.

TAXATION

Mr Michael D. Harris (Nipissing): My question is to the Premier. Later this week, your \$8.6-million commission on taxation will release its report. When the commission was formed, you said it was to assist in implementing a fair tax system. The problem is that fair taxes for your government, just like the Liberals before you, are synonymous with more taxes. This isn't really a Fair Tax Commission; it's turned into a new tax commission. What assurance can you give beleaguered taxpayers that the Fair Tax Commission's report will not translate into yet another round of tax increases in 1994?

Hon Bob Rae (Premier): In light of his significant expertise in this area, I'm going to refer the question to the Deputy Premier.

Hon Floyd Laughren (Deputy Premier and Minister of Finance): I'd like to thank the Premier for that acknowledgement.

The leader of the third party is correct that the Fair Tax Commission will be bringing down its report on Thursday; it will be released on Thursday afternoon. I can give the member assurances that it will be a balanced, thoughtful, analytical, insightful report. It will take the leader of the third party some time to read the thousand pages or so, but I'm sure he will find the time over the Christmas break to wade through that report.

I think as well that the leader of the third party has heard the Premier say on several occasions, and I've said it myself, that because of the rather significant tax increases that were introduced last spring, this will give us the revenue base that is necessary to sustain the essential programs of this province and that the taxpayers of this province should rest assured that there will be no major tax increases in the next budget.

Mr Chris Stockwell (Etobicoke West): "Major."

Hon Mr Laughren: Well, I use the word "major," before the leader of the third party jumps all over me, which I would not want to have happen, because—

The Speaker (Hon David Warner): Could the minister conclude his response, please.

Hon Mr Laughren: —because of the recommendations in the report, there may be some rejigging or reshifting of existing taxes, but no major new tax increases.

Mr Harris: First of all, I'm pleased that the Premier acknowledges that he does not have any tax expertise, something he's amply demonstrated throughout his

career. So my supplementary then is to the Treasurer.

One of the expected tax increases in the report coming out from the new tax commission is a tax on every newspaper in Ontario. As the St Catharines Standard says, it will boil down to a new \$270,000 annual tax on reading for their subscribers. For the hundreds of newspaper businesses in Ontario, this is not a fair tax; this would be a new tax. They can't afford any new taxes.

Treasurer, in view of the fact that you have said no major tax increases and that after the last budget your own Premier said, "More taxes can't solve the problem," the problem being the mess we're in in Ontario, can you assure taxpayers this: that as a result of the new tax commission, there will be no new taxes on reading of the type that you will introduce in your budget in 1994?

Hon Mr Laughren: I'm surprised that the leader of the third party would be so transparent in trying to curry favour with the press gallery in this place.

I want to indicate to the leader of the third party that I have no intention of responding to every surmised recommendation in the Fair Tax Commission report. There are 135 of them in the report, and I wouldn't want to respond to every one of them before the tax commission report is even released.

1450

Mr Harris: Treasurer, this afternoon we are going to be debating a motion of non-confidence in your government. This lack of confidence is shared, I tell you, by some 85% to 95% of Ontarians. I want you to know that as well. It's a direct result of your continuation of the previous Liberal government's high-spending, high-taxing agenda, and you have carried on with it. That's the problem.

It's a direct result as well, since you've taken over, of your inability to develop a long-range economic plan that sends any sense of confidence to the business community, to investors, to taxpayers, indeed to recipients of government programs in this province of Ontario. They do not have confidence that you have either the will or the ability to bring forward programs that make sense.

Treasurer, will you do one thing as we approach Christmas and enter 1994? Will you today commit at least to this minimum requirement, that there will not be any new taxes in 1994 for beleaguered Ontario taxpayers?

Hon Mr Laughren: I must say I was somewhat offended by the wording in the third party's motion of non-confidence. I thought that the leader of the third party had a more balanced view of public life in this province.

I must say that the people in this province know better than to think that all of the problems currently being faced by Ontario Hydro and all of the problems currently being faced by the Workers' Compensation Board were invented or began when this government came to office. They know, as we know and as you know, that many of those problems began when the Progressive Conservatives were in office in this province for such a very, very long time.

I would say to the leader of the third party that this government, as no other government has done, has tried

to tackle those very serious problems at the Workers' Compensation Board, at Ontario Hydro, and indeed in the overall restructuring of government. At the same time, we are determined to preserve the essential services in this province. For the leader of the third party to think he can get away with standing in his place, pointing fingers and saying that all the problems in this province belong at our doorstep, that none should be shared by the federal Tories when they were in office and none should be shared by him when his party was in office, simply doesn't wash any more. The public in this province is sick and tired of that kind of finger-pointing.

SPECIAL INVESTIGATIONS UNIT

Mr Charles Harnick (Willowdale): My question is to the Attorney General and is in regard to the special investigations unit. It appears that every week we have evidence that the Keystone Cop is running the SIU.

Let me just set the scene for you. Mr Morton, the head of the SIU, hires a new gentleman whose name is Fred Winston to investigate homicides. He takes Mr Winston to meet senior officers of the Metropolitan Toronto Police Force at the C.O. Bick police college. He then introduces him and says: "This man, Mr Winston, has investigated 75 homicides. He's just a crackerjack."

Then we find out less than a week later that the closest Mr Winston has ever got to a homicide investigation is guarding the scene so that other, real homicide investigators can perform the investigation.

It is quite obvious that the SIU has turned into a laughingstock. It has no credibility and no respectability among law enforcement officers or among the public. The only person who seems to have any confidence in the SIU is the Attorney General, who refuses to take any steps to deal with this problem. My question to the Attorney General is, what more do you need before you find someone to head the SIU who can do the job as mandated in the legislation?

Hon Marion Boyd (Attorney General): I need a great deal more than virulent and unsubstantiated accounts in the Toronto Sun. I have already answered in this House that if indeed any of the concerns that are raised in that article are correct, then obviously action will be taken. But as I would again remind this House, a great deal was made of the issue of presuming people innocent until proven guilty earlier this year, and I am constantly amazed at the kinds of attacks the third party in particular launches when all it has to go on is an account in a tabloid.

Mr Harnick: The problem is that you say you've gone out and checked out this person's background. Well, it's obvious you haven't. He worked somewhere for 12 years and he didn't have a letter of reference. You didn't even check. Nevertheless, let's go on to another topic.

In July 1993, the SIU was asked to investigate a motor vehicle accident where an off-duty constable by the name of Darren Jonasson was involved and unfortunately, very tragically, a young child was killed. The OPP asked the SIU to come up and investigate so there would not appear to be a conflict of interest—quite proper for the OPP to do that.

So what happened? To investigate a motor vehicle accident where you didn't have to apprehend a criminal, where that was admitted, they ended up sending out to northern Ontario Mr Morton, his communications director and four investigators.

Minister, do you think it's appropriate that six people were sent out, including a communications officer, to investigate a motor vehicle accident, or is there more to this than Mr Morton has advised us? We are now about six months from the time the investigation began. Tells us what's happening.

Hon Mrs Boyd: In comment to the early remarks of the member, I did not claim in any way that I had checked this person's references. I said my understanding was that they were checked as they normally are in the civil service and that I had asked the human resources division to ensure that was the case.

In response to the next question of the member, as that is an ongoing investigation, obviously I am not going to respond in this House to his question about the details of an ongoing investigation.

Mr Harnick: I can't believe that someone worked somewhere for 12 years and nobody checked to see what his record was like there. Well, I've obtained that record. It took about five minutes to get it.

In 1975, Mr Winston left his post without permission, he was late reporting for work, he failed to return to service and he was suspended.

In 1984, he was given a written reprimand. In 1984 again he was given an oral reprimand. Get this: He was using his police officer's uniform to receive Michael Jackson tickets. That's the guy they hired to head up the homicide investigations.

Then in 1985, he was convicted of violations of seven complaints. I suspect that's the fraud and the theft.

The SIU is out of control. There is nobody running the shop. No one has any confidence. What more do you need to undermine the credibility of this body? Minister, we cannot go on any longer without you doing something. What more do you need before you, as the Attorney General, step in and make this body work? To date, we've had two years of nothing, and it appears we're going to have two more years of nothing.

The Speaker (Hon David Warner): Could the member complete his question, please.

Mr Harnick: What are you going to do? What are your plans?

Hon Mrs Boyd: As I said earlier, I certainly intend to have a thorough investigation of the allegations that have been made in the newspaper and in this House, and I am not prepared to comment on those allegations until they are verified.

1500

Secondly, it is my intention, as I have said very clearly, to work with the SIU to clear up some of the issues which they themselves agree are problems in terms of the operation. I again am pleased with the indication that the member opposite would support us in trying to strengthen the mandate of the SIU.

NATURAL GAS

Mr Bruce Crozier (Essex South): I have a question for the Minister of Environment and Energy. Over the last two months I've knocked on many doors throughout the riding of Essex South and I've talked to many people. One thing that many of the people in my constituency wanted to talk about was the recent issue of retroactive increases in natural gas prices. As you may know, last year the Ontario Energy Board granted to Union Gas an interim rate increase for the fiscal year 1992-93. However, in September 1993, the Ontario Energy Board okayed a final rate, which is higher than the interim rate customers had already paid.

You can imagine how astounded many of my constituents were when they opened up their October 1993 gas bill and saw that they were being charged an adjustment that was reflecting the change between the interim and the final rates for gas used over the past 18 months. In fact, I have a copy of a bill sent to me by Thiessen Greenhouse in Leamington. They're being charged an extra \$1,073 for gas they used over one year ago, which is an additional input cost they can't recover.

I would like to ask the minister if he will ask the Ontario Energy Board to overturn this rate increase, which is devastating to my constituency.

Hon Bud Wildman (Minister of Environment and Energy): I'm sure on behalf of all members of the Legislature, I'm pleased to welcome the new member for Essex South and to congratulate him on his success in the recent by-election and to wish him well in his years here in this exclusive club that so many of us have been happy to serve for many years. I would also anticipate that he will serve with the same distinction as his predecessor in that seat.

Mr Robert W. Runciman (Leeds-Grenville): That's a low blow.

Hon Mr Wildman: I would say in response to the question, the member knows well that in this current—

Mr James J. Bradley (St Catharines): That wasn't nice.

The Speaker (Hon David Warner): Order.

Hon Mr Wildman: You don't think that Remo served with distinction?

I would remind the member that in the unregulated regime that we're in today, the question of wholesale rates for gas is not a subject of government regulation and that the Ontario Energy Board regulates the retail price and allows the gas companies to pass on their increased costs for the wholesale price in the purchasing of gas to their consumers.

That's the reason for the recent decision of the Ontario Energy Board; it's not something that is a matter related to retail pricing. The portion for the distribution cost is only 1.2% and it was previously approved by the OEB. So, no, I'm not prepared to accede to the member's request, and I do sincerely welcome him and welcome his question.

Mr Crozier: Mr Minister, thank you for the kind words, but I do plan to serve with distinction because I swore to do that today.

At the same time the Ontario Energy Board finalized the 1992-93 rates, it granted Union Gas a further 9.8% interim rate increase retroactive to April 1993. This means that not only did customers find the adjustment for last year's gas bill on their October bill, they found a 9.8% adjustment retroactive to April of this year.

On the Thiessen farm gas bill, this translates to an additional \$2,986. Both adjustments add up to \$4,059. The 9.8% increase for this year is only interim. This means that the Ontario Energy Board could decide to allow an even higher finalized rate. Customers would again be forced to pay twice for gas they used 18 months ago.

I would ask the minister, will you guarantee that in October 1994 my constituents will not be faced with another retroactive increase as they have faced this year?

Hon Mr Wildman: Would that I had the kind of omnipotence that the member attributes to me. I would say that the member is well aware, I'm sure, coming from the part of the province that he represents, that, as I said in my previous response, the OEB regulates retail prices and has authorized these increases based on the increase in the wholesale price of gas. As we all know in this Legislature, natural gas prices have been increasing, and that's in relation to factors that are beyond the control of this province or the OEB at the wholesale level.

However, we should remember that gas prices will remain substantially below other types of fuel prices and electricity prices, both for residential and industrial consumers. While there has been an increase, residents who purchase gas are still experiencing prices that are below other types of energy in this province.

HOME CARE

Mr Jim Wilson (Simcoe West): My question is to the Minister of Health. Minister, last week I met with Margaret Toni, who is the national director of Community Homecare and Rehabilitation Services, or CHARTS. It's a non-profit home care agency. CHARTS meets all of the conditions and requirements as outlined by your government for not-for-profit agencies that enter into contracts with home care programs. In order to save taxpayers' dollars, CHARTS outsources a small portion of its business to Comcare, which can provide administrative services more effectively.

As a result of this arrangement with a private-sector home care agency, CHARTS has been blacklisted by your government and its share of the home care business has been capped at 10%. CHARTS employs 1,200 people, and again I say it is in complete conformity with your new home care policy.

Minister, after announcing last June your government's policy to drive the private sector out of the delivery of home care services in this province, why have you now decided to turn your guns on the not-for-profit sector by blacklisting CHARTS?

Hon Ruth Grier (Minister of Health): The member's choice of words is particularly inappropriate in view of the fact that they are entirely premature. We were aware in November of the existence of CHARTS. We

asked them, after a meeting with some of the representatives of the company, to submit some documentation to the ministry with respect to their operation. We are reviewing that documentation and have not made a determination.

Mr Jim Wilson: Minister, the decision to drive CHARTS out of business has been made and it's contained in a letter that I've received from your ministry. The letter says, "Consequently, for the purpose of the not-for-profit, in-home services policy, the ministry will consider services obtained from CHARTS as services obtained from a commercial provider." In other words, Minister, it couldn't be clearer. The letter clearly says that because of a practical and logical association with a commercial agency, your government will automatically blacklist companies like CHARTS.

Minister, I want to explain this. CHARTS has asked Comcare to run a small portion of its administrative services because it recognizes that Comcare can provide those services in an efficient and cost-effective manner. This arrangement avoids duplication and allows services to be provided at the lowest cost to the consumer and the government.

Your decision effectively means that CHARTS has to stop buying pens and paper from Grand and Toy or bandages and gauze from a medical supply company. Minister, why don't you come clean with the public and admit that your decision to blacklist CHARTS is driven solely by your socialist ideology and has nothing to do with ensuring that the public receives the highest quality and levels of service that can humanly be provided?

1510

Hon Mrs Grier: One is always tempted to counter accusations of ideology by counteraccusations of ideology, but let me try to get across to the member what the facts of the situation are, which are that the decisions of this government are driven by our determination that the taxpayers' dollars will be spent in the most effective way and that the health care services of this province will be delivered, in accordance with the Canada Health Act, by non-profit agencies.

Accordingly, in November, as I said in response to the first question, we informed CHARTS that we considered them to be a commercial agency. They responded with documentation. We met with them. They have provided more information that disagrees with our conclusion and we are still reviewing the documentation. That's what I said in my first answer.

FIRE PREVENTION

Mr David Winninger (London South): My question is for the Solicitor General and Minister of Correctional Services. Fire protection in this province is an ongoing concern and one that I know you share with me. The old adage "An ounce of prevention is worth a pound of cure" seems most appropriate in this context.

Fire prevention measures reduce the cost of fire suppression, enhance public safety and keep insurance rates at a reasonable level. What has our government done to promote fire prevention initiatives in this province?

Hon David Christopherson (Solicitor General and Minister of Correctional Services): The honourable member raises an important issue today. Let me say that the Ontario fire marshal's office, an important part of my ministry, sees as its mandate the need to provide not just leadership on fire prevention, but public education and firefighter training. In having this three-pronged approach, we've seen over the 10 years from 1983 to 1993 a 20% reduction in the number of fires per 100,000 population, and the fire death rate since 1981 has dropped by 36%.

However, not satisfied ever to relax in his efforts to continue to fight to prevent fires, our current fire marshal, Bernie Moyle, has indeed created the Fire Marshal's Public Fire Safety Council, a new entity within this ministry that will allow groups and individuals who have an interest in fire prevention to have a public input access to the development of programs and initiatives that will contribute to the prevention of fire in Ontario.

Mr Winninger: As part of this initiative, will fire prevention programs and fire services be made mandatory?

Hon Mr Christopherson: As the honourable member is aware, in the province of Ontario we have not had a significant change to the Fire Departments Act in over 40 years, and we do not now have any mandatory requirements for a minimum standard of fire service in any municipality in this province. That of course is unacceptable. There have been a number of initiatives over the last few decades to try to tackle this; however, none has resulted in any real legislation being introduced.

We now have the Fire Services Review Committee report, which I released in the summer. It's now in the hands of the groups and stakeholders in the province. I have met with them and received their submissions on that report. We'll continue to meet with them to develop a piece of legislation, and in that legislation will be the mandatory requirement for fire prevention initiatives in every community across Ontario.

TAXATION

Mr Sean G. Conway (Renfrew North): My question is to the Minister of Finance. A number of my colleagues and I, as the member for north Renfrew, have received considerable representation from community newspaper publishers in our constituencies, all of which publishers are deeply concerned about the rumoured green tax on newspapers.

I want to ask you on behalf of the community newspapers and the daily publishers' association in Ontario directly: Do you intend as Minister of Finance and as a government in this province to impose the two-cent or any kind of tax on newspapers in this province as part of an environmental initiative or any other kind of initiative?

Hon Floyd Laughren (Minister of Finance): The member for Renfrew North asks a serious question and I will attempt to give him a serious answer. At this point, I haven't had a conversation with a person on the face of the earth dealing with any kind of tax on any kind of newspapers.

Mr Conway: I think it is fair to say, on the basis of

my conversations with newspaper publishers in communities like Eganville and Pembroke—my colleagues from St Catharines, Belleville and Trenton have reported a similar concern—that every newspaper publisher whom we have encountered in small villages, medium-sized cities and larger communities is petrified at the notion that the government of Ontario is about to impose a tax on newspapers at a time when many of these newspapers, particularly community newspapers, are struggling to hold on.

Will the Minister of Finance for Ontario, recognizing the widespread concern that's out there in the newspaper community—

Hon Frances Lankin (Minister of Economic Development and Trade): Did you generate it?

Mr Conway: I didn't generate it. We've all been receiving representations.

I say very seriously, because the Minister of Finance is right, this is a serious concern: Will the Minister of Finance, on behalf of the government of Ontario, today set these newspaper publishers at ease with an assurance that there will be no green tax or any other kind of tax on newspapers, large or small, in the province of Ontario?

Hon Mr Laughren: I hope the member for Renfrew North will assure the people who approach him that the thought of imposing this tax on newspapers never entered my mind until he, the member for Renfrew North, mentioned it in this House.

SUPPLY MANAGEMENT OF FARM COMMODITIES

Mr Noble Villeneuve (S-D-G & East Grenville): To the Minister of Agriculture and Food: Last night, our egg, poultry and dairy producers found out that border controls were a thing of the past, and of course, controls at the border are the mainstay of supply management. Last week the Premier said we should stay the course, but the federal government gave up on its red book promise very early and without much of a fight. Without border controls and with tariffs lasting only a few years, how does the minister expect supply management and similar-type endeavours to survive here in Ontario?

Hon Elmer Buchanan (Minister of Agriculture and Food): I wish I had an answer as good as the question. I want to tell the member, however, that I talked to the federal Minister of Agriculture in Geneva last night. He has tried to reassure me that he believes that through tariffication, we will have some protection. However, the producers in the supply management commodities are not convinced of that. They feel betrayed by the federal government. A lot of people voted for their local Liberal candidate in the last federal election and farmers believed that they were getting some strengthening of our position in terms of article XI at the GATT discussions.

That has not happened. The formal announcement has not been made in terms of tariffication. We're not sure what levels of tariffs will be in place. The minister in Ottawa believes there will be some protection through tariffication. I'm going to have to wait until I see what the levels are and what other adjustment programs the federal government is willing to do before I'll be able to fully answer the member's question.

Mr Villeneuve: Tariffication was never considered by the Liberals during the election campaign leading up to October 25. They didn't even talk about it. They were going to strengthen article XI. It's now a major problem. It's obvious much will have to be done to ensure the viability of the dairy, egg and poultry industry. It's equally obvious that nothing has been done to date, because no one expected the sellout that all of a sudden we're faced with.

1520

Under the Canada clause, provinces will be able to substantially support their supply-managed industries. Quebec in particular produces more of these products than it uses. Is the minister and is this government aware of what the cost will be of this new provincial support and is this government prepared to provide financial assistance?

Hon Mr Buchanan: I don't want to get ahead of myself here in terms of what we're prepared to do as a provincial government. We as a provincial government are certainly prepared to support the supply management producers and do everything we can, but I do not think it's appropriate for the provincial government to be leading with its purse in this case. The federal government are the ones who have negotiated this deal, and I hope the farmers and the provincial governments will support us in talking to our federal counterparts, who will provide any financial assistance, if necessary, in the first instance. Once we have evaluated that, of course the provincial government will do what we can to support the producers of supply management.

I would add one other point, though. When we talk about supply management, we are talking about 30% of the farmers here in this province. The other 70%, though, or some of them in those commodities, believe this deal will be of some benefit to them. I want to point that out as well. We're not simply knocking the deal from a political perspective, but we want to make the point that those 30% are going to be affected and we'll be there to support them when they talk to the federal officials.

CASINO GAMBLING

Ms Margaret H. Harrington (Niagara Falls): My question is to the Minister of Consumer and Commercial Relations. First I want to tell you two things: Since September, Niagara area has had the highest unemployment in Canada, and it is not ending. The Ford glass plant is closing in January and the layoffs at GM continue. Another sign of distress is that 24% of our municipal taxes are in arrears in my city. Secondly, I want to tell you that if you ask the ordinary person in Niagara Falls or in fact across this province or this country, they will tell you that Niagara Falls is an ideal location for a casino.

Why? First of all, we have 10 million visitors a year and they stay an average of three hours. Secondly, it's an ideally suited place to bring in foreign currency. Thirdly, a casino is a legitimate form of entertainment and as such is a part of tourism.

Madam Minister, Niagara Falls is anxiously awaiting the evaluation of the pilot project to see how this will be

done. Yesterday, the Niagara Falls mayor, and also Alderman Norm Puttick who is the chair of the casino committee, presented these two reports to the minister. What they are asking is, will you consider the clearly compelling case for the city of Niagara Falls?

Hon Marilyn Churley (Minister of Consumer and Commercial Relations): To the member for Niagara Falls, we've had discussions about this before. As I've said all along, the Windsor casino is a pilot project. We said when we introduced that casino that we would be moving slowly, carefully and cautiously. I think it would be irresponsible for the government to move ahead with any new municipal casinos until we have evaluated the Windsor casino. We will be doing that as quickly as we can, but we want to be able to have a reasonable look at the social and economic and infrastructure impacts of this casino.

I don't believe the member has a supplementary, so I'd like to say that once the evaluation is completed, I know Niagara region was included in the Coopers and Lybrand study and it would certainly be considered as a potential future site.

SOCIAL CONTRACT

Mr Murray J. Elston (Bruce): I have a question to the Minister of Education and Training.

Mr James J. Bradley (St Catharines): He's busy breaking another strike.

Mr Elston: This is one of the founding members of the strikebreakers' hall of fame, the member for Windsor-Riverside, and I'd like to ask him a question about the social contract and its effect on some of the people in the teaching profession.

The social contract resulted in the freezing of the grid for those people who had not already been maxed out in several of the boards around the province of Ontario. I want the people to know that in some cases—in most cases where the grid has been frozen—that will mean that those people in the grid will be postponed by some three years from reaching what is called the maxed-out position.

I want the Minister of Education to help me out and help the people of the province out by explaining to us: What happens to those people who were frozen in the grid during the term of the social contract, and what plans has your government now got ready to deal with March 1996?

Hon David S. Cooke (Minister of Education and Training): I think the member knows that in each of the major sectors in the government, and Education is one of them, there are groups representing the teachers and the boards and the ministry that were working on some of these particular items, and in fact earlier this week, there was an agreement that some of the outstanding items for what they call the templates of the overall approach in the sector will be referred out to mediation-arbitration.

The decisions on those items will speed it up as a result of an agreement by the federations and the trustees' organizations to take the three or four outstanding items and refer them to mediation-arbitration.

Mr Elston: Will the Minister of Education therefore

confirm that the price tag of these meddlings in the collective agreement process and in the bargaining process in the education system at least—the price tag is not yet known for the people of Ontario, and in fact what has happened is that the Ontario government has manipulated the numbers just long enough to get by, perhaps not only this fiscal year but perhaps next fiscal year, and the taxpayer of the province will be left with a very large bill indeed at the end of March 1996.

Hon Mr Cooke: I know the price tag is that there's been \$2-billion worth of savings through the social contract process, and more importantly than that, there've been 30,000 or 40,000 jobs saved, that if we'd followed the prescription the Liberal Party has advocated of just passing on the costs and the decreased grants to the local sector and then another \$2 billion that his leader has talked about, there would've been 40,000, 50,000, 60,000 jobs lost across the province. That's what they advocate; we've advocated a responsible way to control costs and save jobs.

DEVELOPMENTALLY DISABLED

Mrs Margaret Marland (Mississauga South): My question is for the Minister of Community and Social Services. On December 2 this House supported my private member's resolution which called on the government to reform its financial support for adults with developmental disabilities. In the presence of 150 visitors, including adults with developmental disabilities, their families, care givers and advocates, this resolution passed by a vote of 51 to 4.

The Minister of Community and Social Services did not attend the debate. However, to my great disappointment, his parliamentary assistant, the member for Chatham-Kent, spoke and voted against the resolution. Minister, did the parliamentary assistant for Community and Social Services reflect your views and vote as the minister?

Hon Tony Silipo (Minister of Community and Social Services): I find that an odd question from the member opposite, as she knows my strong feelings about private members' hour and how strongly I feel about members voting of their own wishes, and so no one in this House, other than myself, represents my views or the ministry's views other than at official times that the ministry indicates that I will or other people will represent those views. Obviously, whatever the parliamentary assistant decided to do in that particular instance was his own decision, as he's free to do during private members' hours.

Mrs Marland: My resolution did not ask for the impossible. It asked the government to spend the existing allocation of funds in a way that better meets the needs of adults with developmental disabilities. For instance, the government could provide funds directly to adults with developmental disabilities and their families, allowing them to choose the support they most require. My resolution also asked the government to redirect money from other areas where spending cuts can be made.

The government has a moral obligation to act on the vote in support of my resolution. The government also has a moral obligation to help these people who are

among the most vulnerable members of our society. Right now many of them receive no government support whatsoever.

Minister, what action can persons with developmental disabilities expect as a result of the vote in support of my private member's resolution, and had you been in the House, would you have voted in favour of the resolution?

Hon Mr Silipo: What the people of the province can expect, particularly these individuals the member speaks of, is that we will continue the efforts we've undertaken to first of all continue as we did this year to add more funds, \$21 million this year, to help us expand the services for people with developmental handicaps, and to continue to do the planning work that is now under way that also will help us, we believe, in expanding the services that are being provided.

As the member knows, we have under way a process that pulls together some of the groups and agencies that are responsible for delivering with us these issues. That's the way in which we want to approach and need to approach these issues. This is an area that needs to be addressed, I think, in this way, and that's what I can look forward to offering to the member opposite and, more importantly, to the people who are affected by these services.

1530

ONTARIO HOME OWNERSHIP SAVINGS PLAN

Mr W. Donald Cousens (Markham): On a point of personal privilege, Mr Speaker: I'd like to protect my reputation. If there's anything—

Interjection: You don't have one.

The Speaker (Hon David Warner): Order.

Mr Cousens: I know, what there's left of it.

Mr Speaker, is there any chance that the Minister of Finance could make my Christmas and make some kind of an announcement on the home ownership plan for the province of Ontario? That's what I want most of all.

Hon Floyd Laughren (Minister of Finance): On a point of privilege, if I might respond to that very briefly, because there's nothing that would make me happier than to make the member for Markham's Christmas a happier one than would otherwise be: The Ontario home ownership savings plan, as designed by the former government, was due to expire on December 31. We have decided to extend the program indefinitely, except for the land transfer tax component. But the income tax credit component will be extended indefinitely.

The Speaker: The member for Markham does not have a point of privilege; however, his interest in protecting his reputation seems to have been acceded to.

MINISTERIAL STATEMENTS

Mr Hans Daigeler (Nepean): On a point of order, Mr Speaker: I appreciate what the Minister of Finance just said. I think it's entirely improper that he would use the time after question period, instead of the allotted time for minister's statements, on an important announcement.

I'm serious about this matter, because I have had numerous real estate agents in my riding, I have had numerous constituents, who are extremely concerned

about this matter. They have all been waiting for a response to questions that have been asked by our Housing critic and by many other members of this House. The proper time to have made this announcement was during ministerial statements, not oral questions.

The Speaker (Hon David Warner): To the member for Nepean, he will know that I have consistently urged ministers to make announcements in the House during the time allocated for ministers' statements, as opposed to making statements outside the House. However, that is out of my control.

UNPARLIAMENTARY LANGUAGE

Mr Gordon Mills (Durham East): I would like to make a personal point of clarification. This afternoon at 1:30, thereabouts, I stood in my place to make a member's statement, which was rudely interrupted by a point of order. There was absolutely no evidence available that I said anything unparliamentary in that statement. I just want to put that on the record.

Mr David Turnbull (York Mills): Point of order.

The Speaker (Hon David Warner): I'll deal with this first. To the member for Durham East, indeed he will note that I did not tell the member that he had used unparliamentary language. There may have been some misunderstanding on what was said. None the less, there was some disorder in the chamber and I asked, therefore, that the member rephrase the statement which he was making. I appreciate that the member has brought some clarification to the situation.

On a point of order, the member for York Mills.

Mr Turnbull: Since the Minister of Finance is responding to a Christmas wish, I too would have a list and it would be headed by the request, could we have an election in the short-term future? I wonder if perhaps he would like to respond to that.

The Speaker: The short answer is you have to see the Lieutenant Governor.

Mr Dalton McGuinty (Ottawa South): On a point of order, Mr Speaker: Given that this is likely the last day that this House will sit this year, I wonder if the Minister of Education and Training might be prepared to make a statement as to the proposed tuition fee increases for colleges and universities in the new year.

The Speaker: Do we have unanimous consent for a statement? No? I heard at least one negative voice.

PETITIONS

CHILD POVERTY

Mr Robert V. Callahan (Brampton South): I have a petition signed by about 60 or 70 residents of my riding and others. It's addressed to the Legislative Assembly of Ontario:

"Whereas child poverty is one of the most important issues in Canada, requiring clear and innovative public policies if child poverty is to be eliminated by the year 2000,

"Be it hereby resolved that we, the undersigned, petition the Parliament of Ontario to initiate immediate policies to alleviate child poverty in this province."

It's signed by those residents, I'm affixing my signa-

ture thereto and I'm in total agreement.

SEXUAL ORIENTATION

Mr Ted Arnott (Wellington): I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the Parliament of Ontario as follows:

"Bill 55 will make it illegal for people to make any public statement, written or oral, which ridicules, demeans or discriminates against a person on the grounds of sexual orientation. This is a grave threat to free speech in a democratic society.

"Bill 55 is also an attack on freedom of religion against historical Christianity, which does not condone homosexuality.

"We want to maintain our basic right to disagree with homosexuality, which in no way would be equated with hatred.

"We have moved away from a position where some homosexuals and other special-interest groups are no longer content to express their ideas, but are demanding that contrary views be suppressed with stiff penalties. At the same time, these special-interest groups will be allowed to teach their controversial alternative lifestyles to youngsters in the classroom, thereby proselytizing children with their viewpoints without allowing for differing opinions.

"Therefore, we request that the House refrain from passing Bill 55."

As you know, the member for Markham has indicated that he is withdrawing this bill.

Mr Randy R. Hope (Chatham-Kent): I have a petition to the Legislative Assembly of Ontario and I'm presenting this petition on behalf of the member for Sarnia, Bob Huget. This petition is in opposition to private member's Bill 55, An Act to amend the Human Rights Code. This petition has been signed by 307 constituents in Mr Huget's riding of Sarnia and he has affixed his signature to it.

POST-SECONDARY EDUCATION

Mr John Sola (Mississauga East): I have a petition signed by about 60 residents of Ontario, including constituents of my riding of Mississauga East. It reads as follows:

"We, the undersigned, hereby petition the Legislative Assembly of Ontario. We oppose quotas for university entrance."

It's short and to the point and I'm adding my signature to show my support.

AUTOMOBILE INSURANCE

Mr James J. Bradley (St Catharines): I have a petition directed to the Legislative Assembly of Ontario.

"Whereas the NDP promised to reduce auto insurance rates over the previous two elections; and

"Whereas the NDP decided one year after the election to abandon its pledge to reduce auto insurance rates; and

"Whereas the NDP has passed and implemented legislation which will force auto insurance rates to

increase by over \$100; and

"Whereas the NDP has also implemented new taxes on auto insurance which will raise rates even further; and

"Whereas the rate increases will hurt drivers across the province who need to use their vehicles in their businesses or to drive to work; and

"Whereas during the recession most businesses and employees cannot afford the additional costs of NDP auto insurance increases,

"We, the undersigned, demand that the NDP repeal its costly auto insurance legislation or call an election to allow the taxpayers of the province to have their say on this damaging legislation."

I affix my signature to this in agreement.

SEXUAL ORIENTATION

Mr Robert W. Runciman (Leeds-Grenville): I have a petition to the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the Parliament of Ontario:

"Liberal Tim Murphy's Bill 45 will change the meaning of the words 'spouse' and 'marital status' by removing the words 'of the opposite sex.' This will redefine the family as we know it.

"We believe that there will be an enormous negative impact on our society, both morally and economically, over the long term if fundamental institutions such as marriage are redefined to accommodate"—

Interjections.

The Deputy Speaker (Mr Gilles E. Morin): Order. The member for Downsview and the member for St George-St David, order please.

Mr Runciman: "We believe in freedom from discrimination, which is enjoyed by everyone by law now. But since the words 'sexual orientation' have not been defined in the Ontario Human Rights Code and therefore could include sado-masochism, paedophilia, bestiality etc, and since sexual orientation is elevated to the same level as morally neutral characteristics of race, religion, age and sex, we believe all references to sexual orientation should be removed from the Human Rights Code and Bill 45."

Several hundred of my constituents have signed this and I affix my signature.

1540

SCHOOL ACCOMMODATION

Mr Larry O'Connor (Durham-York): I've got a petition here to the Legislative Assembly of Ontario from the taxpayers of St Thomas Aquinas, St Bernadette's, Our Lady of Good Counsel, Good Shepherd and Prince of Peace. Subject: a high school for the East Gwillimbury-Georgina area.

"Whereas our children and the students of East Gwillimbury-Georgina currently travel over two hours each day to attend overcrowded Sacred Heart school in Newmarket and are now being required to add one more hour each day to reach Cardinal Carter school in Aurora. Three hours of commuting for a 14-year-old is just too much. York region separate board has put the last

unreasonable request upon its family and community in the north; and

"Whereas the experts of planning and service within the school board recommend a new school for the Georgina area,

"We, the parents of these children, are requesting that the Ministry of Education consider our plight when processing the distribution of allocations of new schools is implemented.

"The attached signatures support the above indicated and rely upon your impartial and good judgement to do the right thing."

I know this petition is well out of order from the students from St Bernadette's in grades 6, 7 and 8.

ORIENTATION SEXUELLE

M. Jean Poirier (Prescott et Russell) : J'ai neuf pétitions de commettants de la circonscription qui demandent, et je cite, «humblement la nullité totale du projet de loi 45 qui modifie le Code de la personne en ce qui concerne l'orientation sexuelle.»

«Nous désapprouvons les changements suivants :

«(a) enlever l'expression 'sexe opposé' de la définition de l'état matrimonial ;

«(b) accorder le droit à l'adoption pour un couple homosexuel ; et

«(c) ajouter aux droits de la personne l'expression 'orientation sexuelle.'»

LE JEU

M. Jean Poirier (Prescott et Russell) : J'ai une dixième pétition, contre l'établissement de casinos en Ontario et de vidéo-loterie, et j'ai apposé ma signature sur ces dix pétitions.

Mr Robert Frankford (Scarborough East): I have a—

The Deputy Speaker (Mr Gilles E. Morin): Order. Order. Order. I forgot the leader of the third party. Would you please read your petition.

Mr Michael D. Harris (Nipissing): You and the majority of the voters in the last election.

COLLECTIVE BARGAINING LEGISLATION

Mr Michael D. Harris (Nipissing): This is rather a lengthy petition. I don't wish to read it all. But it is signed by 64 of 68 of the nurses at the North Bay Psychiatric Hospital, all objecting to Bill 117 forcing them to join a union which they do not wish to join. I have affixed my signature to the petition as well.

SICKLE CELL ANAEMIA

Mr Robert Frankford (Scarborough East): My petition:

"Whereas sickle cell anaemia is a serious medical condition with 10% of the population of African origin carrying the gene and controlled studies show a significant reduction in the number of childhood deaths by long-term treatments with penicillin to such a degree that it must be considered an essential drug,

"We, the undersigned, call upon the Ministries of Health and of Community and Social Services to ensure free provision of the drug to all affected children."

I'm signing my name to this.

TRAILER PARK RESIDENTS

Mrs Lyn McLeod (Leader of the Opposition): A petition to the Legislative Assembly of Ontario:

"Whereas 89 owners of mobile homes in an area of Thunder Bay known as Hillcourt mobile home park are in jeopardy of losing their homes through no fault of their own;

"Whereas the owner of the park owes the city of Thunder Bay in excess of \$400,000 in tax arrears;

"Whereas a grave injustice has crept into the law in that provisions of the Municipal Tax Sales Act and the Assessment Act entitle the city to sell the trailer park, mobile homes included, to satisfy tax arrears in March of 1994,

"We, the undersigned, petition the Legislative Assembly of Ontario to examine this matter forthwith and implement amending legislation to protect those mobile home owners and all other Ontario mobile home owners who could face the same situation in the future."

I've affixed my signature in full support of their concern.

PARAMEDIC SERVICES

Mr Norman W. Sterling (Carleton): To the Parliament of Ontario:

"We urgently request that paramedic services be supplied to the Ottawa-Carleton area as soon as possible."

That's straight and direct from 100 residents of the Stittsville-Richmond area, which I represent. We want paramedic services in Ottawa-Carleton and I've signed my name.

CASINO GAMBLING

Ms Margaret H. Harrington (Niagara Falls): To the Parliament of Ontario:

"Whereas, since September, the Niagara area has had the highest unemployment in Canada;

"Whereas, in January, the Ford glass plant will close and layoffs at GM continue;

"Whereas 24% of the municipal taxes are now in arrears;

"Whereas Niagara Falls is a natural site for a casino, because we already have over 10 million visitors a year and we are ideally suited to bring in foreign currency and a casino is a legitimate form of entertainment and as such is a part of tourism,

"Therefore, we, the undersigned, request (1) that the evaluation of the pilot project be completed as soon as possible and (2) that the Minister of Consumer and Commercial Relations consider the clear, compelling case put forward in the two reports submitted by the city of Niagara Falls on December 13, 1993."

LONG-TERM CARE

Mrs Barbara Sullivan (Halton Centre): I have a petition addressed to the Legislative Assembly of Ontario which reads as follows:

"Whereas the government of Ontario has stated that multiservice agencies, the new single, local point of access for long-term care and support services, must

purchase 90% of their homemaking and professional services from not-for-profit providers, therefore virtually eliminating use of commercial providers,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We protest the action to drastically reduce the service provision by commercial providers and respectfully request that the impact of this policy decision, including a cost study, be performed before any further implementation."

I agree wholeheartedly with this petition and I've affixed my name to it.

TAXICABS

Mr Charles Harnick (Willowdale): I have a petition addressed to the Legislative Assembly of Ontario.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That under the Municipality of Metropolitan Toronto Act, Revised Statutes of Ontario, 1990, chapter M.62, part XVIII, section 278, to investigate the activities and the relationship of Metro and the MLC, and as a result legislate that Metro and the MLC establish a separate Metropolitan Toronto taxi authority with appropriate taxicab industry representation."

I have affixed my name thereto.

SEXUAL ORIENTATION

Mr David Winninger (London South): I have a petition signed by many people in the London area opposing Bill 45, the bill moved by Mr Murphy of the Liberals.

TUITION FEES

Mr Bruce Crozier (Essex South): I have petition from many people to the Legislative Assembly of Ontario.

"Whereas the NDP promised throughout many election campaigns to eliminate tuition fees for college and university students; and

"Whereas the NDP broke this election promise in its first year in office; and

"Whereas since the NDP took office they've already raised tuition fees by 22% and are planning to raise tuition fees by an additional 14% over the next two years; and

"Whereas the NDP government has cut over \$250 million in funding to colleges and universities, forcing many institutions to raise non-tuition student fees to make up the missing revenue; and

"Whereas the government has cut the student grants program for post-secondary students and replaced it with a smaller loans program; and

"Whereas everyone agrees that we need to encourage students to become more highly trained and skilled through post-secondary education to ensure that our province can compete in this changing economy; and

"Whereas student unemployment is at an all-time high, double-digit levels already, leaving further education as the only hope for real jobs for many of our young people,

"We, the undersigned, urge the province to restore

quality and accessibility to the post-education system by holding the line on tuition increases and making it more affordable for our youth to receive the skills and training they require."

VIOLENCE

Mr Michael D. Harris (Nipissing): I have a petition to the Legislative Assembly of Ontario and it is signed by several hundreds throughout North Bay, Oshawa, Whitby. Rather than read it all, so that others may get petitions in, it objects to the serial killer trading cards featuring Karla Teale being sold in Canada and petitions that the Ontario Legislature will do whatever it can to stop that.

I too have affixed my signature.

SEXUAL ORIENTATION

Mr Randy R. Hope (Chatham-Kent): I have a petition to the Legislative Assembly of Ontario. I'm presenting this petition on behalf of the member for Sarnia, Bob Huget. This petition is in opposition to private member's Bill 45, An Act to amend the Human Rights Code with respect to sexual orientation. This petition has been signed by 299 constituents in Mr Huget's riding of Sarnia and I, on his behalf, present the petition to the Legislature.

SALE OF LAND

Mrs Joan M. Fawcett (Northumberland): I have a petition to the Legislative Assembly of Ontario:

"Whereas the NDP promised during the election campaign to protect agricultural areas surrounding Metropolitan Toronto from future development; and

"Whereas the NDP demanded during the last provincial election campaign that provincially owned land in the Pickering area known as Seaton should be used only to build affordable housing; and

"Whereas the NDP government is now planning to sell land in the Pickering area for private development because of its sagging revenues;

I've signed it.

1550

INTRODUCTION OF BILLS

COURTS OF JUSTICE

STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993

MODIFIANT DES LOIS EN CE QUI CONCERNE LES TRIBUNAUX JUDICIAIRES

On motion by Hon Mrs Boyd, the following bill was given first reading:

Bill 136, An Act to amend the Courts of Justice Act and to make related amendments to the Freedom of Information and Protection of Privacy Act and the Justices of the Peace Act / Projet de loi 136, Loi modifiant la Loi sur les tribunaux judiciaires et apportant des modifications corrélatives à la Loi sur l'accès à l'information et la protection de la vie privée et à la Loi sur les juges de paix.

The Deputy Speaker (Mr Gilles E. Morin): Do you wish to make a brief statement?

Hon Marion Boyd (Attorney General): I am pleased to introduce for first reading a new version of the Courts of Justice Statute Law Amendment Act that replaces Bill

68 which was introduced on July 7, 1993.

Our ministry has had many helpful comments and suggestions concerning the previous bill from lawyers, judges and the broader community. We have responded by making technical improvements in a number of places and by making substantive changes in two areas.

First, we have changed the administrative framework for the expanded Unified Family Court, making it a distinct part of the Ontario Court (General Division) rather than a freestanding entity. The Unified Family Court will remain a full-service specialist court comprised of superior court judges.

Second, we have improved the procedures by which the Ontario Judicial Council examines complaints brought to it.

I hope that the House will give this bill early consideration in the spring.

LOTTERY LICENCES ACT (BINGO CARDS FOR
VISUALLY IMPAIRED PERSONS), 1993

LOI DE 1993 SUR LES LICENCES DE LOTERIE
(CARTES DE BINGO POUR PERSONNES
ATTEINTES D'UN HANDICAP VISUEL)

On motion by Mr Chiarelli, the following bill was given first reading:

Bill 137, An Act to Ensure Access by Visually Impaired Persons to certain Lottery Schemes / Projet de loi 137, Loi visant à garantir l'accès à certaines loteries aux personnes atteintes d'un handicap visuel.

The Deputy Speaker (Mr Gilles E. Morin): Mr Chiarelli, do you wish to make a brief statement?

Mr Robert Chiarelli (Ottawa West): The purpose of the bill is to ensure that visually impaired persons may use CNIB bingo cards when playing bingo at bingos conducted under the authority of a licence.

RETAIL SALES TAX AMENDMENT ACT, 1993
LOI DE 1993 MODIFIANT LA LOI
SUR LA TAXE DE VENTE AU DÉTAIL

On motion by Mr Laughren, the following bill was given first reading:

Bill 138, An Act to amend the Retail Sales Tax Act / Projet de loi 138, Loi modifiant la Loi sur la taxe de vente au détail.

The Deputy Speaker (Mr Gilles E. Morin): Minister, a brief statement?

Hon Floyd Laughren (Minister of Finance): This bill, An Act to amend the Retail Sales Tax Act, was introduced with the May 19, 1993, budget and was tabled as Bill 30. After many informative consultations with the industry and others affected by the changes to the retail sales tax, this bill has been fine-tuned, taking all clients' and stakeholders' viewpoints into consideration.

These changes are a vital part of our three-pronged plan to ensure a fair and balanced approach to Ontario's fiscal challenges. These measures are designed to help deal with the provincial deficit while not impeding the strength of the economic recovery.

Retail sales tax will now be applied to various insurance contracts, to commercial parking, to various sand and gravel products and beer or wine made at a produce-

your-own outlet. The \$5 tire tax will be removed and the Ontario—Incredible! program discontinued.

WINDSOR TEACHERS
DISPUTE SETTLEMENT ACT, 1993
LOI DE 1993 SUR LE RÈGLEMENT
DU CONFLIT DES ENSEIGNANTS DE WINDSOR

On motion by Mr Laughren, on behalf of Mr Cooke, the following bill was given first reading:

Bill 139, An Act to Settle the Dispute between The Board of Education for the City of Windsor and its Elementary School Teachers / Projet de loi 139, Loi visant à régler le conflit entre le conseil de l'éducation appelé The Board of Education for the City of Windsor et ses enseignants des écoles élémentaires.

The Deputy Speaker (Mr Gilles E. Morin): I will now leave the chair and proceed to the committee of the whole.

House in committee of the whole.

PUBLIC SERVICE AND LABOUR RELATIONS
STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA FONCTION PUBLIQUE
ET LES RELATIONS DE TRAVAIL

Deferred votes on Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts / Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois.

The Chair (Mr Gilles E. Morin): This will be a 10-minute bell. Call in the members.

The division bells rang from 1558 to 1608.

The Chair: Order. We'll now deal with Mr Turnbull's amendment, clause 1(1)(c). All those in favour of the motion will please rise and remain standing.

All those opposed to the motion will please rise and remain standing.

The ayes are 33; the nays are 61. I declare the motion lost.

Shall section 1 carry? Carried.

We will now deal with subsection 21.2(3), Mrs Caplan, and that deals with the dentists. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

We will now deal with subsection 21.2(3), which deals with the landscape architects and the veterinarians, Mrs Caplan. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with subsection 21.2(3) again, this time with only the landscape architects, brought in by Mrs Caplan. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with subsections 21.3(2.1) and (2.2) brought in by Mrs Caplan. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with section 22, by Mr Turnbull, an amendment. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

Shall section 22 carry? Carried.

We're now dealing with Mr Cooper's amendment, section 34. Same vote reversed? Is there a no?

All those in favour of Mr Cooper's motion will please rise and remain standing.

All those opposed to the motion will please rise and remain standing.

The ayes are 60; the nays are 34. I declare the motion carried.

Shall 34, as amended, carry? Carried.

We're now dealing with the amendment to section 49 by Mr Turnbull.

The ayes are 33; the nays are 61. I declare the motion lost.

Shall section 49 carry? Carried.

We're now dealing with section 53.1, Mrs Caplan's amendment.

All those in favour of the motion will please rise and remain standing.

All those opposed to the motion will please rise and remain standing.

The ayes are 17; the nays are 77. I declare the motion lost.

We're now dealing with section 53.2, Mrs Caplan's amendment. First vote?

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with Mr Turnbull's amendment, section 56.1. Same vote? Agreed?

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with Mr Turnbull's amendment, section 56.2.

The ayes are 33; the nays are 61. I declare the motion lost.

We're now dealing with subsection 58(6), Mr Turnbull. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

Subsection 58(6), Mrs Caplan. Same vote?

The ayes are 33; the nays are 61. I declare the motion lost.

Subsection 58(6), Mr Turnbull.

The ayes are 33; the nays are 61. I declare the motion lost.

Subsection 58(6), Mrs Caplan.

The ayes are 33, the nays 61. I declare the motion lost. Subsection 58(6), Mrs Caplan.

The ayes are 33; the nays are 61. I declare the motion lost.

Shall section 58 carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

Hon Brian A. Charlton (Government House Leader): I move that the committee rise and report.

The Chair: Mr Charlton moves that the committee rise and report. Is it the pleasure of the House that the motion carry? Carried.

The Deputy Speaker (Mr Gilles E. Morin): The committee of the whole House begs to report one bill with certain amendments and asks for leave to sit again.

Shall the report be received and adopted? Agreed.

EXTENDED HOURS OF MEETING

Hon Brian A. Charlton (Government House Leader): Just before we move to the first order, I believe we have an agreement among the House leaders to sit beyond 6 o'clock this evening but not beyond 12 o'clock midnight.

The Deputy Speaker (Mr Gilles E. Morin): Is this agreed? Agreed.

Hon Mr Charlton: Again, just before we move to the first order, which is a non-confidence motion that will be put by the Conservative Party, I think we also have an agreement to limit the debate on this non-confidence motion to one hour. The time will be divided: 25 minutes for the Conservative Party, 10 minutes for the government party and 25 minutes for the official opposition.

The Deputy Speaker: Agreed? Agreed.

VISITOR

Mr Ron Eddy (Brant-Haldimand): I am pleased to introduce a very important person in the gallery, the president of the Association of Municipalities of Ontario, Mrs Mabel Dougherty, and welcome her to the House. Indeed, if I had the opportunity, I would invite her to address us.

WANT OF CONFIDENCE MOTION

Mr Harris moved pursuant to standing order 43(a):

Whereas the NDP government continued to follow the job-killing tax policies of the previous Liberal administration, including 22 new tax increases in its first two budgets on top of the 33 tax increases of the previous government; and

Whereas this government continued the trend set by the previous government to increase expenditures annually well in excess of the rate of inflation; and

Whereas this government continued the Liberal government's trend to increase the size and scope of government in Ontario to a level we can no longer afford; and

Whereas this government compounded this bad fiscal policy with multibillion-dollar deficits; and

Whereas this government failed to recognize the long-term damage these policies created in the economy of Ontario and did not begin to develop new direction and policy alternatives until over two and a half years after assuming office;

Therefore, this House has lost faith in the ability of this government to develop long-range economic plans for the prosperity of Ontario and pursuant to the provi-

sions of standing order 43(a), the House no longer has confidence in the government.

1620

Mr Robert W. Runciman (Leeds-Grenville): I am going to lead off the debate on this motion of non-confidence with some abbreviated remarks. I'm going to touch on, essentially, law-and-order issues because certainly there's no doubt in the minds of most Ontarians in respect to law-and-order and justice issues that the people of this province have virtually no confidence whatsoever in the government of the day.

Mr James J. Bradley (St Catharines): We don't want you being soft on law and order now, Bob.

Mr Runciman: I don't have an awful lot of time, so I want to touch on a number of things. There's some heckling coming from the Liberal ranks. I don't think the people of Ontario have too much confidence in the Liberal Party in terms of justice and law-and-order issues in this province either.

We simply have to look back at the attitude of the former Attorney General of the province, Mr Ian Scott. I can recall a couple of police officers who were concerned about the fact that drug dealers were coming in and out of the court system, back on the streets. Police officers were devoting weeks and months to trying to achieve convictions and these people were turned out into the streets. They were being critical of the judges who were dealing with these cases. And what happened? The Liberal Attorney General of the day, Mr Ian Scott, criticized the police officers and, in effect, threatened them in terms of their ability to continue on the Metropolitan Toronto Police Force.

That's the sort of approach that was taken by the previous Liberal government and certainly it's an attitude that's been reinforced with the NDP. In fact, in many instances they've gone many steps further.

We just look at the Premier's own parliamentary assistant, when she made comments in respect to police officers shooting members of the visible minority community: an outrageous, and many would deem a racist comment, but the Premier was not prepared to do anything about his own parliamentary assistant making those kinds of very provocative comments.

I want to talk about a couple of cases specifically that have concerned me to a great extent. One is related to the shooting death in Sudbury of Constable Joe MacDonald. I think it's something like 68 or 69 days ago that Constable MacDonald was executed—effectively executed—while pulling over a car for a routine check in Sudbury; shot 12 times. Two individuals, following the shooting, were arrested.

It came to light that one of those individuals had been released on early parole by the Ontario parole board. It's a responsibility of the Ontario government, an arm of the ministry of corrections. Then of course, as matters flowed, charges were laid against this individual, one Clinton Suzack. Then matters, through the media, came to light in respect to Mr Suzack's record: the fact that he had an outstanding warrant against him in the province of Alberta, and a whole host of things that came to light

following the murder of Constable Joe MacDonald.

In response to my questions and my leader's questions, the Conservative Party's questions to the Solicitor General and the Premier, the Solicitor General initiated what he said was going to be an open and objective study of the decision taken by the Ontario parole board in respect to an early release for Mr Suzack.

Instead of getting that open and objective review, we had an in-house review by a member of the Ministry of the Attorney General's staff. This is not objective. This is in-house; this is an in-government study conducted. It came back within the 30-day time frame, as indicated by the minister. But then we were told that not only was this report not going to be made public, but indeed, even as to the recommendations in the report, or any recommendations or actions flowing out of that report in terms of the operations of the Ontario parole board and how it dealt with the Suzack case, let alone how it deals with the thousands of other cases on a monthly and yearly basis, no reference whatsoever.

We're simply supposed to sit back and take comfort in the bland assurances of the Solicitor General that, "We're going to take appropriate action." We know for a fact that no appropriate action is being taken. We know the chair of the Ontario parole board is still in office. He's still sitting there warming the chair, drawing a significant salary at taxpayers' expense, when he has significant responsibility to accept for Mr Suzack being out on the streets.

What does the minister do on a daily basis? He falls back on a recommendation from Mr Michael Code, who was appointed by the NDP government to the Ministry of the Attorney General, and I want to say that when Mr Code was appointed there was significant concern, not simply about his connections to the NDP in this province but about his objectivity and how he would approach this job.

I want to quote Arthur Lymer, president of the Metropolitan Toronto Police Association, who warned that his group would oppose appointing Code. He said, "The police association wants the assistant deputy Attorney General to be a crown attorney who has worked with police and has a feel for the crime that is escalating in Ontario and in Toronto is out of control." That's from the head of the Metropolitan Toronto Police Association.

There were other concerns expressed by crown prosecutors in this province, because Michael Code, despite his NDP connections—put that aside—was seen by many prosecutors in this province as anti-crown. That's indeed reflected in the decision which this Solicitor General is hanging his hat on, and it's shameful. It's not only shameful, it's sickening, and it's sickening to the people of Sudbury, it's sickening to the people of this province that he's trying to justify not releasing that report, but beyond that, not even telling the people of Ontario what he's doing in response to these shoddy actions on behalf of the Ontario parole board which probably resulted in the death of a police officer. That's shameful, as shameful as you can get.

I'm upset. I'm terribly upset about this. The people of Sudbury are upset.

Ms Christel Haeck (St Catharines-Brock): No use losing it.

Mr Runciman: I don't know who's interjecting here, but I want to comment on something. I'm imploring the people of Sudbury, the regional council of Sudbury to get involved in this, and the people of Ontario to get involved in this. Simply don't accept what this government is doing in terms of stonewalling on this matter. Don't accept it.

We have three NDP members in the Sudbury area. What have they done? What have they said about the death of Constable Joe MacDonald and the fact that Clinton Suzack was on the streets? Absolutely nothing. Two of them are important members of the Ontario cabinet. They're not saying or doing anything. Sharon Murdock may be a nice lady. I don't know her at all, really, sat on committee with her a couple of times, but I want to say, approximately a month after Joe MacDonald's shooting, Ms Sharon Murdock got up in the House on October 20, 1993, and made a statement in the House. What did it deal with? It dealt with Trivial Pursuit for the Sudbury Rotary Club. Only days after the shooting of Joe MacDonald, the backbench member for the government stands in this House and talks about Trivial Pursuit.

I get terribly upset about these kinds of matters. I don't care. The minister can get up and say I'm insulting Mr Code, that I'm insulting him. Well, they deserve to be insulted, because they're insulting the intelligence of every Ontarian in the way they're dealing with this matter. We have every right to be upset about it.

The Minister of Community and Social Services is here as well and we can talk about the Bellingham case and the fact that he's hiding behind that matter as well. The argument is that they don't want to infringe on the rights of the accused. I think that's a false argument. When you review Mr Code's justification for it, it's from the Manitoba Court of Appeal and it doesn't stand up to scrutiny either.

Clearly we need an independent third party to enter into this discussion, to deal with matters like this so that the government cannot, on a continual basis, stonewall the public of Ontario. We have no confidence in them. They have given us no reason. The people of Ontario have no reason to have confidence in them when it comes to justice issues in this province.

The balance has swung too far in favour of the criminal element. It's time to swing it back in favour of the law-abiding innocent people in this province who are getting no representation from the NDP government.

1630

Hon Floyd Laughren (Deputy Premier and Minister of Finance): I would like to address largely the content of the non-confidence motion. Unlike the previous speaker, who didn't deal at all with the content of his own party's non-confidence motion, I would very briefly remind the member who just spoke that one of the reasons that ministers of the crown cannot speak on this matter and cannot come out with public statements, which on the surface he seems to want, is of course because of the danger of prejudicing a court case. That's not the

opinion of the government; that's legal opinion based on case law. To do otherwise would surely be outrageous, and I know who'd be first on his feet if that was the case, declaring that we had in fact prejudiced the outcome of a court case.

I think it needs to be put in perspective that in this world you cannot have it both ways. You cannot get up on your feet and yell and scream and ask for intervention and then, if that intervention in fact resulted in prejudicing a court case, be on your feet, that same member, claiming that we had indeed prejudiced the case and calling for our heads.

While all of us on this side regret very much the death of that police constable, the way to handle it is through the proper procedure so the court case will not be jeopardized, and the member opposite should know that. Indeed, he may even know that, but he certainly should if he doesn't.

I wanted to deal more specifically with the content of the non-confidence motion by the third party. What I would like to say to members of the assembly is what it is they are actually expressing non-confidence in.

What the third party is expressing non-confidence in is the record of achievement of this government. That's what they're doing. They're saying that we have not done what is required to have earned their confidence in our right to continue to govern. That is basically what they are saying.

If they're saying that, let me read you just a short list of what it is in which they have no confidence: to retrain workers this year, \$1.2 billion—twice as much as the official opposition spent when it was in office; sectoral training agreements with labour, industry and the federal government; training for 37,000 workers—apparently the opposition doesn't like that.

We have brought pay and employment equity legislation brought into this House. I know the third party doesn't like employment equity, doesn't like pay equity, but we think those are responsible policies for the 1990s and beyond.

Changes to the Ontario Labour Relations Act: I understand the third party doesn't like, can't stand, cannot even countenance, progressive labour legislation. I understand that. They're union-bashing in here every day of a session. I understand that. We expect it from the Tories, and now and again we also get it from the Liberals.

We are in the process of reforming labour legislation for crown employees and construction workers, both long overdue.

We've established the Ontario Training and Adjustment Board to make sure training occurs in a sense of partnership with management, with labour, with government, and decisions are made at the local level for training. That's where the expertise is, not a highly centralized training system that the previous governments had.

We've increased the minimum wage up to \$6.70 on January 1, 1994. I know the official opposition and the third party do not like a minimum wage that even allows

people to subsist in this world. They would remove it, probably, if you gave them their choice. They certainly would not increase it to \$6.70 an hour. If they would, I'd like to hear them say that.

We've established the employee wage protection program, a program of which we are very proud, because it provides protection to workers when an employer goes out of business or simply disappears and the workers have no source of money for work they've already done. This is to protect them in that regard.

We have put in place Jobs Ontario programs—

Mr W. Donald Cousens (Markham): A failure.

Hon Mr Laughren: —Jobs Ontario Community Action, Jobs Ontario Capital, Jobs Ontario Homes, Jobs Ontario Youth, Jobs Ontario Training. The member for Markham can say it's a failure, but those programs support over 90,000 people in the economy of this province. The member for Markham can say he doesn't like that and it's a failure, but he is dead wrong. This government has done more on capital spending and on training, proportionately, than any other government in this country. You can call it a failure if you like, but I can tell you those programs are good and they are working.

We also saved between 20,000 and 40,000—I believe the number is closer to 40,000—jobs through the social contract. I know what Conservative governments are doing elsewhere. Look to Alberta. The Conservative answer is simply to lay off people. "Lay off 40,000 people," they say. "That's the solution." We said: "No, that's not the solution. We want to protect those 40,000 jobs and we're going to bring in a social contract that will do just that and preserve essential services at the local level as well."

I know what the official opposition would say. The honourable Lyn McLeod, the leader of the official opposition, says we should have taken another \$2 billion out of the system. There go another 20,000 jobs or so. The leader of the official opposition said that. She's on record as having said that.

The third party makes no bones about it: It would have laid off those 40,000 people, no question about it. They would have cut all sorts of programs. The official opposition is a little cuter about it, if I could be kind in my characterization. They don't come out and say in this assembly, "You should have laid off another 2,000 people or 20,000 people." What they say outside this chamber is, "You should have cut another \$2 billion out of expenditures." At the same time, of course, they're in here demanding more spending on every conceivable program in the province. So there we have it in spades, the official opposition calling for a reduction in expenditures of \$2 billion. At the same time, day after day after day, their members are in here calling for more spending on social programs.

The public is not going to allow you to get away with that for ever, my friends. You may think you're getting away with walking both sides of the street today, but that is going to catch up with you, I guarantee you that.

Mr Bradley: It has really caught up to us in Essex

South, I know that.

Hon Mr Laughren: The official opposition thinks, because right now it is higher in the polls than the government or the third party, that therefore it can continue to get away with its program of misleading the Ontario public about exactly where it stands. The public is getting on to you. They're getting on to the leader, they're getting on to Lyn McLeod's tactic of saying one thing out there, one thing in here one day and changing the whole tune the next day.

It's coming back to haunt you, folks; it's coming back to get you. You're not going to get away with it any more, I'm telling you. Go out there and ask the people in the province of Ontario how come we've got a deficit as big as we have and they will tell you that the former government misled the people when it called the election in 1990. They didn't say what the real deficit was. Everybody out there in the province of Ontario knows what you said; you said there was going to be a surplus. We ended up with a deficit. You are no longer going to get away with fooling the people. That day has come to an end.

We take great pride in what we have been able to do at a time when we've faced the most difficult fiscal situation since the 1930s. Admittedly, we've struggled with keeping the deficit under control, we've struggled with unemployment that's very high, we've struggled with a federal government that reduced our transfers to us in a very dramatic way, we've struggled with all those and at the same time worked extremely hard to keep our expenditures under control and to make sure that in the future we have the revenue base that will continue to provide the essential services I think the people in this province really want.

I would conclude by simply saying that the third party, by bringing forward this non-confidence motion, has voted against every progressive motion we've brought forward in this chamber.

Mr Bradley: I'm going to simply deal with a couple of issues this afternoon very briefly and allow my colleague the member for Renfrew North to speak at some length on this resolution.

But one thing I did want to mention that I know he will mention in detail as well, because I recall standing almost in this very place directing questions to the former Premier of the province of Ontario on an every-second-day basis. The questions were about the new jet that Premier Davis was going to purchase for the comfort and convenience of the Premier, members of his cabinet and senior government officials. This jet was going to be purchased by the Davis government in the midst of a recession.

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I know we had Mike Harris, who was a member of Parliament, a member of the Conservative caucus, and I would have guessed that he, as a member of the Conservative Party, was probably writing letters to Premier Davis instructing Premier Davis not to proceed with the purchase of the Challenger jet, which was being constructed in Houston, Texas.

Day after day after day, those of us in the opposition who wanted to be careful with the taxpayers' dollars, who wanted to see that they were spent on only the highest of priorities for the people of this province, had to stand by and watch the Premier purchase a new Challenger jet because he wanted to keep up with everybody else.

Well, finally one day he capitulated. I remember he got up in the House and he read I guess a confession you would call it. Although he wasn't Roman Catholic, there was a time in 1985 or 1984 where one could say he probably went to confession. In any event, he got up in the House and it wasn't until page 16 that I saw in the notice from the Premier that they were going to trade the jet in for two water bombers.

This is what I detected as being Tory care with the tax dollars. Then of course, and my colleague will want to elaborate on this, they decided they'd purchase an oil company or at least a good portion of that oil company, hundreds of millions of dollars spent on Suncor, which finally one of the two governments that followed had to get rid of at a fire sale price. Again, I know Mike Harris probably would have advocated against this, the way he talks today.

I recall Darcy McKeough rising in the House and for one of his budgets announcing an increase of some 37% in OHIP premiums. That's back in the days, by the way, when we had OHIP premiums, which mean that some people who couldn't afford them had to pay those OHIP premiums while other people didn't have to. So those OHIP premiums, the largest tax probably in the province of Ontario, were removed by the Liberal government. The Tories had wanted to raise it by some 37%.

Perhaps the member for Etobicoke West and his leader, Mike Harris, have stayed in Minaki Lodge. We all remember Minaki Lodge, where millions upon millions of dollars were spent on a lodge in northwestern Ontario and very few people attended this lodge except rich Conservatives and Leo Bernier. They were the people who managed to go there.

I well recall that we didn't have a sales tax in Ontario at one time at all. We were like Alberta, and what happened? The Progressive Conservative government brought in a sales tax. Not only did they bring it in, but they increased the sales tax. I did not hear, on any of these occasions, Mike Harris complain at all.

I know that my friend and colleague from Renfrew will want to elaborate on many of these particular items. I'm going to stay around this House this afternoon to listen to his eloquent speech.

Mr Sean G. Conway (Renfrew North): I gather that there is a time allocation, and I'm pleased to have an opportunity to take a few moments this afternoon to speak to the motion standing in the name of the leader of the third party.

I want to say that I look forward this afternoon to taking a few moments to address the motion standing in the name of Mr Harris. I want to deal with some of the issues that his motion raises. My colleague the member for St Catharines and the Treasurer before me dealt with some of these issues. I want to bring somewhat of a

different perspective.

I've been in this Legislature for 18½ years. I've now watched parties of all three stripes engage in this debate and I am here to say to you, Mr Speaker, and to people watching that my sense of this issue is that each of the three parties has had its successes and each of the three parties has had its difficulties. But I must say that over the last while I've been very interested to hear what Mr Harris and the Progressive Conservative Party have tried to put out as their view, as their promise in this respect of taxation and government spending.

It is, I think, fair play for all of us in each of the three parties to say what we will do when we get to government. But I think if the Rae government has left one very powerful residue in the public, it is that everyone in Ontario now knows that there is no magic—and the spectacle of this articulate, eloquent young man from York South having to stand in his place for days, now months, and admit that that which he solemnly promised three, four, five, six, seven years ago, whether it was in the Agenda for People or in the election campaign of 1987 or 1985, was in significant measure unachievable.

Hon Richard Allen (Minister without Portfolio in Economic Development and Trade): It is now coming to pass.

Mr Conway: The member for Hamilton West says, "The undressing of the NDP has now come to pass." That is not what we are here, however, to discuss today.

I want to say we have a Conservative motion which would have us believe and would have the public believe that elect Mike Harris and we are going to be on Easy Street. The member for Etobicoke West applauds.

Well, I think the public of Ontario and the public of Canada, now hardened by a variety of experiences with the New Democrats in office and, yes, in Ontario the Liberals and the Tories, would want to understand something of who these people are, because we all know we have a more cynical, more sceptical electorate.

I look at the Harris motion today, I listen day after day to all the commitments from the Tories about what they will do and I ask myself the question, who are they and what have they done? I'm not going to indulge in too much history, because it is not fair, quite frankly, to hold this legislative cohort of Tories to account for what was done a long time ago. A long time ago is in my calculation perhaps most of the ancien régime from 1943 to 1985.

But I want to begin by making a couple of observations. I have in my hand a budget that the Tory party offered the year I came to this place in 1975 and I just want to take a moment, because I've heard the palaver about what the Tories will do.

I remember the good old days of 1975, the halcyon days of uninterrupted growth and prosperity under the ambit of Progressive Conservatism in Ontario. It was 1975. Actually, it was April 7, 1975, when the Duke of Kent, the legendary W. Darcy McKeough, read in this place the budget of that year.

I'm just going to cite one piece of data. In that fiscal year, the Tory government planned an expenditure of

\$10.334 billion and it intended revenue of \$9.109 billion, so that in 1975 when the Tory government planned an expenditure of about \$10.3 billion, we had an operating deficit of \$1.2 billion.

Mr Chris Stockwell (Etobicoke West): Say it ain't so.

Mr Conway: Well, I say to my friends, say it ain't so. That was what it was like when I came back in the mid-1970s, and that's not a New Democratic record; that's not a Liberal record. That is a Tory record, and I have a great deal of regard for Darcy McKeough. He was one of the ablest people with whom I ever served. But in that year, I want members to remember this and I want the public to know that 20 years ago almost, when the Tory government was spending \$10 billion, it was raising \$1.2 billion less.

As the Provincial Auditor has observed and as my friend the shadow chancellor for the Liberal Party, Mr Gerry Phillips, has reported to the House on a number of occasions, there were 15 consecutive years of Tory deficits between 1971 and 1985, 15 consecutive years of very significant Tory deficits. That's the record.

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When people come to me and say, "Elect us, elect me, and I promise you that you will get what I say I promise," I think they've a right to be inquired into, and when I look at those years the Provincial Auditor has commented upon, boy, look at the deficits. Look at the deficits in the Tory years, good and bad: 1975 was a good year and there was a \$1.2 billion-deficit on an expenditure plan of \$10 billion.

So what right does any Tory have to come in here and say, "My, my, what a terrible thing it is that we've got this kind of multibillion-dollar deficit on a \$50-billion expenditure plan," or, "Those terrible Liberals"?

The terrible Liberals that the Provincial Auditor observed offered up the only budgetary surplus in the modern period? Yes, I say, we were not perfect. I say that honestly. But the Provincial Auditor has said that there was but one budgetary surplus in a 20-year period from 1971 through to 1992, and that was in the Peterson administration in the fiscal year—I think it was 1989-90.

But look at these deficits in those good old Tory years: 1980-81, \$1.3 billion; 1981-82, \$1.8 billion—I'm just picking the years when Mike Harris was a distinguished member of the Davis-Miller administration—1982-83, \$3.2 billion worth of deficit; 1983-84, a budgetary deficit of \$3.15 billion; 1984-85, a \$2.5-billion deficit.

The motion here tells us, "Oh, we are worried about deficits, and oh, we are worried about tax-and-spend types." Mike Harris and Ernie Eves—good people, good friends of mine—sat here in this place and supported their friend from Muskoka, Frank Miller, the Treasurer. Yes, and my friend the Reverend Cousens, whom if you heard him now you would take as a paragon of Presbyterian rectitude and fiscal conservatism. But Don Cousens, the Reverend Don Cousens, has a record, and he stood here and sat here silently with Mike Harris and Ernie Eves in 1981 and 1982 and 1983 when, with the support of the Tory caucus, they voted for Frank Miller's whop-

ping tax increases, some of the largest Ontario has seen in the modern period. I remember Frank Miller's speeches, and I remember neither jot nor tittle of criticism from Don Cousens, Ernie Eves, Mike Harris or Bob Runciman, and that is their record.

Yes, now it is easy to come to this place and talk about what they would do if given a chance, but there's more; happily, there is more.

Mr Tim Murphy (St George-St David): Remember the 1985 throne speech.

Mr Conway: June 4, 1985. I will go to my grave remembering the day. Frank Miller was a fine fellow and a man of some well-known ideological proclivity. He was, by his own description, the Ronald Reagan of Ontario. I didn't happen to agree with him on much of that, but I respected Frank for that view. He campaigned in the March to May campaign of 1985 on that basis. It was a deadlocked election. The House met on June 4, 1985, and we had a speech from the throne, read by his Honour the then Lieutenant Governor, John B. Aird, to the House.

I tell you this is relevant, Mr Speaker, because this was a speech from the throne outlining a legislative agenda written by Frank Miller, and then two of his most senior advisers were Mike Harris and Ernie Eves. He was ably supported in a very large cabinet by people like Don Cousens and, yes, the member from Brockville who spoke a moment ago.

What did the speech from the throne offer? After 42 years of Tory government, and I will say honestly, some of which was very good and some of which was very progressive and much of which served the province reasonably well, though I might have disagreed with it, what did we get? We got one of the most pathetic and abject deathbed confessions this assembly has ever seen.

I am not viewing this as a laughing matter, to hear these good, right-wing, Reaganite, Progressive Conservatives in Ontario. We were offering, I say to the House, a legislative agenda based on our campaign manifesto, and we had a speech from the throne where Frank Miller and Mike Harris and Bob Runciman bought, lock, stock and barrel, just about every policy they had denounced for months and years. What did we get in this speech from the throne? They accepted and embraced pay equity, employment equity. They had a superfund. They were all in favour of the spills bill. On it goes.

Mr Speaker, you can read it for yourself. It was an embarrassing, abject deathbed confession where a proud Conservative Party prostituted itself before this Legislature and before the people of Ontario because they saw it as the only way to retain the seals of office. Let there be no confusion about that, and that too is the record.

Mr Speaker, this motion today is a very easy piece of business, but I'm telling you, the record, to a substantial extent, speaks for itself.

Mr Stockwell: That's it, Sean.

Mr Conway: The members for York Mills and Etobicoke West are exempt from this. They were not here. I understand how they would not have ever wanted to embrace this kind of manifesto. But Frank Miller wrote

this, and Mike Harris and Ernie Eves and Bob Runciman and Don Cousens and Norm Sterling sat there and they presumably consented to it.

Mr Ted Arnott (Wellington): You implemented it.

Mr Conway: Well, we went forward, I say to my friend from Wellington, who is also exempt from this criticism because he was not here, but I am focusing today on the record of men and women in the Conservative Party of Ontario who were here.

You will have to go a long way and I don't think you will find the match of this June 4, 1985, speech from the throne where, as I said earlier, Frank Miller embraced a whole raft of initiatives: the spills bill, employment equity, all kinds of other initiatives that they had denounced in the election campaign. By the way, they were going to do all of this, spend billions of dollars doing it, but at the same time they were by magic or some other kind of legerdemain going to bring the deficit down. This is the same kind of hocus-pocus they offer today and the public has had their fill of it.

Now let me say one other thing to my Tory friends that perhaps I alone can say. I think I know the electoral history of Ontario relatively well, and I'll tell you, the Liberal closets are full of our problems. Let me be frank. I just reread some parts of the old Hepburn biography and I'm telling you, I'm embarrassed that some of that belongs to me.

But I want to say this, that in the long and storied electoral and political history of Ontario, I don't think there has ever been a more dramatic about-face on a matter of very substantial public policy to match what William Grenville Davis did in this House on June 12, 1984. I remember it well, June 12, 1984, the separate school reversal, an unbelievable, unprecedented, dramatic about-face, without consultation, without any prior indication.

1700

Mr David Turnbull (York Mills): Who brought in the legislation?

Mr Conway: My friend says, "Who brought in the legislation?" I did, and proudly so, because my party for decades, together with the New Democratic Party, has stood for that principle, and understandably. Proud Progressive Conservatives have stood on the other side of that argument, and I understand that too.

I remember well the campaign of 1971. I remember well the pain of that campaign, I remember who stood where and I remember the verdict of the people. I accept that. But there you had it on June 12, 1984.

Mr Stockwell: It's over.

Mr Conway: Ah, but I just want to say to my friends, we are now being told: "We, the Tories, are a new group. We are a blank sheet. Elect us and we will raise spending on very important programs and we will reduce taxes and we will reduce the deficit."

I want to come back, though, to that day in 1984. Without notice, the Conservative leader and Premier of Ontario reversed himself dramatically on a public policy, did not apparently consult his own Minister of Education and gave the caucus the most perfunctory last-minute

briefing. In that caucus sat Norman Sterling and Mike Harris and Ernie Eves and all the rest of them, and Bill Davis said when he did that it would cost about \$40 million.

Who introduced the bill? I did. Who got to explain that Tory arithmetic? I see the member for Dovercourt is here. I got to explain that arithmetic, and it made Wacky Bennett's Social Credit economics look good. That, my friends, is not that long ago.

Mr Turnbull: That's why you implemented it, eh? Because you're a Liberal?

Mr Conway: That was a Tory initiative, and anybody who knew anything about public finance had to know that those numbers were bogus from day one. But that was an enormously important, sensitive and controversial decision made with the consent of Mike Harris, Ernie Eves, Don Cousens and a variety of other distinguished, front-bench members of the Conservative caucus today, and that's not that long ago.

I simply submit to the House today and to the public beyond: Be careful. Be very, very careful. When people who have done that—and by that I mean reverse themselves on issues like separate schools, like the June 4, 1985, deathbed repentance speech from the throne, the whopping tax increases of the early 1980s—

Mr Bradley: Didn't they lose the AAA rating?

Mr Conway: They lost the AAA rating, precisely. Those were many, many good years.

You know, it's interesting to look back at these budgets. I was looking again at that 1975 budget. I've heard the Tories rail about housing initiatives and I will say honestly that they're not all wrong. But look back into the 1970s. Wow! In the election year of 1975, when we were spending about \$10 billion, they launched housing initiatives of about seven different kinds totalling \$530 million.

I just want to say to the House that this Tory leopard has spots, spots that are detectable not just in broad daylight but in darkness as well. If my friend the leader of the third party thinks that he is about to hoodwink and bamboozle this Legislature and, more importantly, the thoughtful, critical and increasingly sceptical public of Ontario with this kind of specious politics, I think he is making a very, very serious mistake.

I thought this afternoon it might be useful for at least one member of this caucus to take some few moments to reflect upon some of the recent Conservative record, because the record speaks much more eloquently than the rhetoric of this afternoon's motion.

The Deputy Speaker (Mr Gilles E. Morin): Thank you. The member for Markham.

Applause.

Mr Cousens: I don't think that applause is for me.

Mr Paul Klopp (Huron): That depends on what you say.

Mr Cousens: There are times.

This is a very important want-of-confidence motion that I am very pleased to support that's been presented by our leader, Mr Harris, the member for Nipissing. We

have outlined a number of the issues that are part and parcel of the anger and frustration of the people of the province of Ontario over the very bad government we've had under Mr Rae and the previous government of David Peterson.

When we put together this motion, we identified first of all 22 tax increases from the present New Democratic government and the 33 tax increases of David Peterson's government. When you start getting 55 tax increases over the last seven years, is it any wonder that the people of the province of Ontario have reached that level of frustration where they are saying: "Why stay here? Why invest in this province?"

The Liberals before and this government afterwards have continued to destroy the environment for people to make money. "Profit" is an unpopular word, because if you have a profit or you make money, the NDP, and the Liberals before them, taxed it away from you; in other words, destroyed what you were building.

That's what's happened. We have somehow turned aside that whole environment of business and prosperity that this province did enjoy for some 42 years and turned it into a place now where people are backed into a corner. They have no place to turn because the tax person is about to get them. It started under Mr Peterson and it has continued under Mr Rae.

We're saying these are job-killing policies. For every \$40,000 of taxes raised, there is an additional job gone. This year, with some \$2 billion more in taxes, and the billions before that by the previous administration, it has seriously eroded the opportunities for jobs.

Jobs, jobs, jobs—the single most important issue in the minds of people today, and not once did the previous two speakers talk about that. They fail to understand that the issue in the province of Ontario today is jobs. To create jobs is to create an environment where people will have an opportunity to participate realistically and meaningfully. The governments both now and before failed to understand the dynamics that are required to create that environment for business to prosper and to create those jobs. That underlies the motion of lack of confidence by Mr Harris.

When you've had 55 tax increases over the last several years, is it any wonder that business is not investing fresh, new money in the province of Ontario?

We go on in our motion to indicate that the previous government and this government continued to increase their expenditures. It's with abandon that they continued to spend money. The Liberals took the whole Housing ministry from \$7 million or \$8 million for rent control in 1985 and in a very short time had it up to over \$50 million spent just on that one portfolio.

They added to the staff of ministers, they added to the number of ministers and they continued to build government at the top. We now have a bureaucracy at the top which is huge. We have forgotten how to administer successfully and efficiently and competently, but the governments, both now and before, have added to the levels and layers of government.

Our motion also touches on just the size and scope of

government. It is now at a point that wherever you turn there's more government interference. As a result, is it any wonder that the underground economy has become such a massive business in the province of Ontario? That, in part, is because of the way government has just overcharged for its services, overtaxed for its services.

Finally in our motion the fourth point is when we talk about the multibillion-dollar deficit. I chuckle. There is no better orator in the House than the member for Renfrew North. Although it's painful to listen to him on some of his points, it's also worthwhile noting that when the Liberals were in power, they couldn't even add.

1710

He complains about when the Tories in 1975 had a deficit of \$1.2 billion. That amounted to 10% of the budget roughly. Now what we have from the New Democrats is that 25% of the budget is in deficit. When we go to look at the Liberals, they couldn't even add correctly, because when they started talking about the great days when there was a surplus, that had to do with the \$888 million that came unexpectedly through a federal transfer. When you start having that kind of lucky arithmetic, is it any wonder you're able to do something?

So I can sit and hear what they say and understand what happened, but may the public at large understand the true context of what has been going on. We deal with every level of politics, where everybody is trying to explain away what they've been doing. I think it's very easy to say that all government in this country, and particularly in this province which we are called to serve, has failed to recognize the long-term damage that these policies have created in the economy of Ontario.

That is the thrust of the want-of-confidence motion presented by Mr Harris and our PC caucus today. It really means that our school system is eroding—the quality, the value for money. That's one of the things that comes out of the Provincial Auditor's report. Value for money is a concept that we want to bring back and re-instill, re-create, to have as a focus for government. What has happened is that wherever we turn there has been this erosion, not only of confidence but of the spending power, because of the way the government has been spending that money.

Finally, in our motion we have said that this House—and it's pretty obvious from the previous speakers that neither the Liberals nor the NDP will be supporting our motion—and certainly our party and the people we represent have lost faith in this government to develop long-range economic plans for the prosperity of Ontario.

That's the question I asked in the Legislature last week of the Minister of Finance: What is his plan for the future of Ontario's economy? He does not have it. Is it any wonder that the credit agencies around the world are beginning to see Ontario as a place where the investment is questionable and indeed where, because it is questionable, the interest rates will increase?

The issues are legion. The auditor recently came in with his report; it was just last week. When he talks about this government's mathematics, he is showing that when the government talks about the deficit of \$11.9

billion, it really is \$12.4 billion. What he's saying there is: "We concluded that the treatment of the pension payments was an inappropriate shift of expenditures between two fiscal years. As well, it illustrates the permissiveness of the current accounting rules."

The government is responsible to the people of Ontario to come back and report to us honestly on how the spending has been going. What has happened here is that it is truly a stark announcement on how the government has misspent, misappropriated and misrepresented the books. So the auditor in his review has come back and said, "Bad books." To me, that calls for the government to review its whole way of doing business.

I receive many letters, as the Finance critic, from people discussing their concerns about the problems created by this government, and they have to do with just the fundamental lack of confidence that business people have.

One letter that I have from a business in my riding touches upon four points, and I'd like to just briefly read them in because they again tie it in to the issue that we have.

First, "The budget released in May added tens of thousands of dollars to our costs through the extension of the provincial sales tax to warranty repairs and to the health insurance premiums."

Just a moment ago, the member for St Catharines said: "Look what the Liberals did. We removed OHIP payments." That is just the hypocrisy of the Liberals to say they removed OHIP payments. They moved it from one way of collecting it, through participants, to companies, and then they forgot to include professional people. They had a whole loophole in the system so that many people didn't pay it. What a mockery of accounting principles followed by the Liberals during their time. Now we continue to pay health but it's in one other way, through the payroll tax deduction where corporations have to do it.

The next point he makes is: "We have spent over \$25,000 in consulting fees and tied up staff for days on end in connection with pay equity programs to find that only a minor adjustment was needed for one single individual."

Pay equity has come into the province of Ontario, providing opportunity, but I'm telling you we have not increased our productivity and we have not increased the ways of doing business. What we've done is to clamp down on business and make it more difficult for it to compete on the international scale and to compete successfully even within our own country.

He says thirdly, "Training for the joint health and safety committee: We are required to provide it and it will result in added costs and again absence of several employees." We all know how the administration of this province is adding on the load of business in order to succeed. "The employment equity bill will once again involve staff time and most likely expensive use of consultants." On it goes.

Another constituent wrote a letter and explained:

"The bottom line, however, is that you have expanded

government operations way beyond the willingness and capacity of taxpayers to support. You have undermined future tax revenues by making Ontario a more hostile environment for business investment. Deep deficits, higher taxes, pay equity, work equity and pro-labour legislation—ridiculous timing for all these things."

You go and you look at the number of letters I've received from people saying, why is it that the government continues to make it so difficult to survive in Ontario? It started under Mr Peterson. It has continued and been expanded under Mr Rae. We see the spending spree continuing.

When people say, "Ontario, you're cutting back with the social contract and with the expenditure control plan," and yet at the same time, the horror of horrors of the spending that's going on with the annual operating subsidies in Ontario amounting to over \$1 billion in housing subsidies; that will be by 1995. We're seeing the government putting out money into areas where in fact we have more vacancies now than ever before. Yet the government continues to spend money with total abandon.

But I have to say that behind Mr Harris's motion and behind our caucus is a statement of principles. I want to just give you the five principles in brief because we believe strongly that to govern this great province of Ontario we must have some very firm principles that will guide us in our thinking.

First point: "Higher taxes are no longer an option." We have reached the point where higher taxes are killing jobs, killing investment and stalling Ontario's economy, and the Ontario Progressive Conservative Party has a strong statement on how we will fight higher taxes.

Second point: "Spending cuts are the key to deficit reduction." This government and all governments have to learn to do things more effectively with less and find ways of cutting back on programs and saving money.

Third point: "The fiscal deficit contributes to the human deficit." Left unchecked, interest payments will soon become Ontario's biggest program expenditure, eating into the very health, education and social assistance programs which enable Ontarians to reach their human and economic potential. We believe that this fiscal deficit of the province of Ontario is only a deferred tax.

Fourth point: "The private sector must be upsized while the public sector is downsized." Let the private sector have a chance to succeed. Create an environment in which private investors will invest again in the province of Ontario and create jobs. That is what we want, to create an opportunity for young people.

I have young people coming through college. Are there jobs waiting for them today? Do they have a future where they can see that they have as good a future as many of us had when we started out? I am concerned about that. I believe government can help create the climate and environment for prosperity.

Finally: "Public service reform must involve programs as well as people." It makes no sense to enact reductions to the staff of the Ontario public sector without a parallel review of the programs that these personnel deliver. We

have to look at every level of public service to see that it is giving us value for money.

I, on behalf of the PC caucus, will say categorically that we have no confidence in Bob Rae and his government to lead us into the future. They have no plan. Like the Liberals before them who had no plan, they are perpetuating the lie that they think they can do the job but they are failing to do it.

We stand here strong and firm, knowing that there is a future for Ontario when fiscally we run this province soundly and economically. This government is in need of change. We want to challenge them today.

Mr Stockwell: On a point of order, Mr Speaker: Considering that the time has run out for all three parties and considering that the member for Renfrew made such a good speech, I think the House would agree to unanimous consent just to allow me 10 minutes to respond.

Interjections.

Mr Stockwell: No?

The Acting Speaker (Mr Noble Villeneuve): The time has elapsed and we do not have unanimous consent.

The completes the time allotted for motion number 1, want of confidence, by Mr Harris. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the nays have it.

Call in the members; a five-minute bell.

The division bells rang from 1721 to 1726.

The Acting Speaker: We are now dealing with a want-of-confidence motion by Mr Harris. All those in

favour of Mr Harris's motion will please rise one at a time and be recognized by the table.

Ayes

Arnott, Cousens, Cunningham, Eves, Harnick, Harris, Jordan, Marland, McLean, North, Runciman, Sterling, Stockwell, Tilson, Turnbull, Wilson (Simcoe West), Witmer.

The Acting Speaker: All those opposed to Mr Harris's motion will rise one at a time and be recognized by the table.

Nays

Abel, Akande, Allen, Beer, Bisson, Boyd, Bradley, Buchanan, Callahan, Carter, Charlton, Christopherson, Churley, Cleary, Conway, Cooke, Cooper, Coppen, Crozier, Daigeler, Duignan, Eddy, Elston, Fawcett, Fletcher, Frankford, Gigantes, Grandmaître, Haeck, Hampton, Hansen, Harrington, Haslam, Hayes, Hope, Jamison, Johnson (Prince Edward-Lennox-South Hastings), Klopp, Kormos, Lankin, Laughren, Lessard, Mackenzie, Mahoney, Marchese, Martel, Martin, Mathysen, McClelland, Mills, Morrow, Murdock (Sudbury), Murphy, O'Connor, Offer, O'Neil (Quinte), O'Neill (Ottawa-Rideau), Owens, Perruzza, Philip (Etobicoke-Rexdale), Pilkey, Poirier, Pouliot, Ramsay, Rizzo, Silipo, Sullivan, Sutherland, Swarbrick, Ward, Wark-Martyn, Waters, Wessenger, White, Wildman, Wilson (Kingston and The Islands), Wilson (Frontenac-Addington), Winninger, Wiseman, Wood, Ziemba.

The Acting Speaker: The ayes are 17; the nays are 81. I declare the motion lost.

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of Ontario**

Third Session, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 35^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 14 December 1993

**Journal
des débats
(Hansard)**

Mardi 14 décembre 1993



Speaker
Honourable David Warner

Clerk
Claude L. DesRosiers

Président
L'honorable David Warner

Greffier
Claude L. DesRosiers



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Tuesday 14 December 1993

Report continued from volume A.

1730

WINDSOR TEACHERS
DISPUTE SETTLEMENT ACT, 1993
LOI DE 1993 SUR LE RÈGLEMENT
DU CONFLIT DES ENSEIGNANTS DE WINDSOR

Mr Cooke moved second reading of the following bill:

Bill 139, An Act to Settle a Dispute between The Board of Education for the City of Windsor and its Elementary School Teachers / Projet de loi 139, Loi visant à régler le conflit entre le conseil de l'éducation appelé The Board of Education for the City of Windsor et ses enseignants des écoles élémentaires.

The Acting Speaker (Mr Noble Villeneuve): Does the honourable minister have some opening remarks?

Hon David S. Cooke (Minister of Education and Training): Yes, Mr Speaker, I do.

As members are aware, 687 elementary school teachers employed by the Windsor Board of Education began a full withdrawal of services on November 8, 1993. Mediation talks supervised by the Education Relations Commission were held last week between the parties. On December 9, these talks broke off.

I invited representatives of the board and teachers to come to Queen's Park in yet another effort to resolve this dispute. The groups met yesterday and again this morning under the supervision of the Education Relations Commission. Unfortunately, this round of talks has not resolved the dispute. Clearly, we want this dispute to be resolved between the board and its elementary school teachers. This has been a difficult set of labour negotiations. Despite the best efforts of the mediator and the Education Relations Commission, no agreement has been forthcoming.

The government has the responsibility to ensure that labour disputes in the education sector do not endanger the school year of the affected students. A process which has been put in place for many years guides the determination of when a school year is in jeopardy. Central to that process is the Education Relations Commission. It is this body which must, after consulting with all parties involved, advise the minister when to bring in legislation to enable the return to classes.

The strike in Windsor is in its 26th day. The ERC has not advised that the school year is in jeopardy. In fact yesterday the commission reported to me, "There is no convincing evidence of jeopardy to the courses of study at this point in time." Nevertheless, this government feels the action must be taken to ensure that the strike does not continue past the point which will be detrimental to the elementary school students in Windsor.

Because this House is about to rise and not return until March, it is necessary for this government to act now to ensure that there is legislative means to get children back to the classroom at the point at which the Education Relations Commission declares the school year to be in jeopardy.

This legislation, when proclaimed, will bring about a return of elementary teachers to the classroom and provide a means of settling the matters that are now in dispute between the board and teachers. The legislation proposes a combination of arbitration and a final-offer selection process to resolve this dispute. Upon proclamation, this legislation will return teachers to the classroom and the terms of the old collective agreement will be restored, except for the staffing provisions.

A three-member arbitration panel will be convened to examine all matters remaining in dispute between the teachers and the board related to the local agreement entered into by the parties under the Social Contract Act, 1993. The decision of the arbitration board is required within 45 days after the act is proclaimed. All the issues which remain unsettled will be sent to final-offer selection for resolution.

I want to make it clear to the House that the legislation will only be proclaimed when the Education Relations Commission advises that the school year is in jeopardy. The act will come into effect only if a local solution to this dispute cannot be found or the ERC determines that the school year is threatened. The steps we are taking today are aimed at fulfilling our responsibilities and safeguarding the interest of the elementary school students in Windsor.

I'd just like to make a couple of comments as well that are not contained in the prepared statement I just read. This particular dispute has been extremely difficult for the board and the teachers, and I want to make a couple of points that I think are important for the members of the House to recognize.

First, this dispute is a result of a clear decision the board made earlier this year when it was setting its mill rate, before there was ever a thing called the expenditure control plan or before there was ever a thing called the Social Contract Act. The board made a clear political decision when it was setting its budget earlier this year that it would budget for drastic reductions in pay, in staffing etc and that, even though it had no means of implementing those decisions, those were the demands it would make.

They went through the process of negotiations. They asked for fact-finding to kick in earlier than would normally be the case during these negotiations, in order to get to the point where there would be either a resolution at the negotiating table or the process we are now engaged in. That is very clear on the record and certainly admitted to by the board.

In my view, it's very unfortunate that the board went further this fall and went to the point where it took unilateral action to change the collective agreement, as is provided for under Bill 100 but until this year was very, very unusual indeed.

In view of the circumstances of the House adjourning some time this week and in view of the fact that the strike is now in its fourth week, this Legislature obviously has to give or has to consider giving the government

the power that, when Bill 100 kicks in and the Education Relations Commission declares jeopardy, if the parties have not sat down and negotiated an agreement, then the legislation will be proclaimed and this process for resolving the dispute will kick in.

I still believe—and I've been extensively involved in the negotiations for this particular contract, especially in the last 36 hours—that there is an agreement there waiting to be had. We were very close this morning. The will was not there to achieve an agreement. The best solution still is for the board and the teachers to determine themselves that they want to settle this dispute and then this legislation will never come into effect. They can settle this at the local level if the will is there to do it.

I hope the teachers will recognize some of the financial difficulties the board has, and they need to do that at the bargaining table. On the same level, the board needs to understand there are certain requirements that the teachers have as well. If both of them get to that point of understanding, an agreement can be achieved and this legislation will not be needed at all.

In the meantime, I ask for the support of the members of the Legislature for this bill so the students in the Windsor elementary school system are protected.

1740

The Acting Speaker: Questions or comments? Seeing none, further debate?

Mr Charles Beer (York North): I must say it is with a great sense of reluctance that we rise in the House to deal with the third strike where the government has legislated the teachers back to work: with reluctance because of what is happening with the collective bargaining system in the whole educational area. I don't know if it's struck the minister, but with each of these strikes, the bill in terms of the settlement gets longer; this one now some seven pages.

Clearly, we are all concerned about the young people and the education that they should be receiving. Clearly, we don't want this to go on beyond the point where it is and so we will be supporting the legislation, but we will be supporting it with great reluctance.

There are a number of comments that I want to make to the minister, and one is simply that this is now, as the minister knows, the third strike. We've had Lambton, we've had east Parry Sound elementary, and now Windsor. We were fortunate to be able to avoid having to come back with legislation with east Parry Sound secondary.

I think the problem that everyone has now is, what is the simple fact of there being these three pieces of legislation going to do to the collective bargaining process that is ongoing? Because what is happening is that people are looking and saying, "Well, what's the point of really bargaining, when we know that legislation will be brought into the House?"

There are other disputes out there. They raise a number of key issues and we don't seem to deal with the issues; we just simply set up a process. If you look at the time frame here, and we don't know when the Education Relations Commission will be bringing in a stand that the

education of these young people is in jeopardy, this process will go on for a great deal of time. There are 45 days for the board of arbitration and then after that another 45 days for the selector.

The minister has gone to great pains to say that this all began well before the expenditure controls and well before the social contract. What the minister fails to recognize is the impact, none the less, that those two decisions by the government have had on the process, as we have got into it and over the last several months, and it continues with all of the discussions that are going on right now in the other areas.

Of particular concern, and the minister is aware of this, is the whole issue around the 60-day rule, and within the confines of the social contract legislation and the fact that this has to go forward until March 31, 1996, how we accommodate that particular problem, where teachers don't have the feeling that their contracts can be ripped open and all kinds of things can happen to them in a way that Bill 100 was really never intended to do.

By the same token, the concern—and the Minister of Finance addressed this earlier in a question that I put to him—is the school boards themselves really knowing: "What will our finances be? What kind of certainty do we have in planning our budgets, not only for the next year but for the year after and the year after that?"

The minister in effect has both the boards and the teachers by the nape of the neck. He controls what is happening, and we've got to see from this government a real attempt by it to sit down and try to make sure that these problems, many of which have been similar and have been common to all the disputes through the fall, are not going to occur and recur.

The minister says, "I don't want to come back before the House would normally come back in March," and we hope that for this purpose we don't. But we know that there are a number of discussions going on where there could be other work stoppages where that must happen.

The only way to deal with that, I think, is to give some real sense of certainty both to the teachers and to the boards in terms of what they have to work with, because if we hear one thing from teachers and one thing from boards, it's their uncertainty in dealing with the social contract legislation and what precisely that means to all the negotiations that are ongoing.

I would say as well to the minister that if I were a parent in Windsor, I might have been saying to myself: "Look, it's December 14. Hopefully this thing will be over at least so that after Christmas and after New Year's, my kids will be back in school."

We don't know that. The Education Relations Commission has said so far that the students' year is not in jeopardy. I think, as a parent and indeed just as a layperson, that many of us must have real problems in trying to say that if a student in a school can miss 26 days of school, 30 days of school, 35 days of school, how do we come to some meaningful understanding as to how relevant missing all those days is in terms of putting a child's education in jeopardy?

I'm sure the minister himself would say that he feels

uneasy about what is the way of precisely defining that term. I'm not saying it's easy. I don't know whether it's 10 or 15, but I think we have to do a much better job. I suspect there's a sense out there that if we're saying it may be 25 or 30 or 35 or 40 days before the kids' year is in jeopardy, then what is it that we're doing, what does that say about our system and what kind of thinking do we have to bring to this to try to make sure that the kids of this province are going to get the education they need? That's one of the issues that is left standing, because by the time these young people are back to school it will have been in effect more than two months, from November 8, before that happens.

The other comment and one that caused us as a caucus a great deal of difficulty is that in effect this is back-to-work legislation, but back-to-work legislation with a difference because it doesn't kick in until there is a position taken by the Education Relations Commission, and there is a very complex process that is then put in place.

I think the fact that the minister has set out clearly, and it is important that he did so, what will happen at that time gives us some comfort that there is a process and that this will happen automatically. But it is still something where I think it is difficult in giving that approval where it's not a blank cheque, but it's none the less a cheque that is not fully set out in terms of all the decimal figures that are in it.

I say again to the minister that I hope very much that over the break he and his officials are able to sit down with officials from the school boards' association, from the teachers' federations to say: "Look, boys and girls, we can't go on this way where every month I have to bring in a piece of back-to-work legislation. The whole process will collapse."

I know the minister believes in the collective bargaining process; he's told us that on many occasions. We've said that we believe in that process, but what is happening through legislative acts such as this is that the process is not only being weakened; it is being very much harmed. What we're left with, at the end of the day, and I've heard this from trustees and I've heard this from teachers, is, "Then what is the importance of really going through that whole process and negotiating when in point of fact we might as well just go to a stalemate and see how far we can just outwait the minister?"

I hope the minister will recognize that in having to bring in these three pieces of legislation what we are admitting collectively is failure, that we have not been able, in a meaningful way, to resolve these disputes. I think as well I would say to trustees and to teachers' representatives to think very long and hard as other negotiations are entered into around coming to an agreement in order, as well, to protect that collective bargaining process. Again this is an admission of failure. I don't think anybody can feel good or proud to have to bring this legislation before the House.

I would simply join with the minister in saying that I urge the two parties to sit down and try to work this out, indeed to work it out before Christmas so that the best Christmas present to the young people in the city of Windsor would be—they might not want to admit this—

and certainly for their parents, to be back in school on January 3. I think we just have to really focus on it.

But minister, your government, the expenditure controls and the social contract have played and continue to play havoc with the whole collective bargaining process in this province. I think you've got to recognize that and, as I say, work hard over the break to make sure that we don't have to face this kind of legislation again.

The Acting Speaker: Questions or comments?

Mr James J. Bradley (St Catharines): In the two minutes that I have available, I would like to compliment the member on his speech and recall, as perhaps he wanted to—he wanted to take a little longer time—all of the people who would be concerned about yet another strikebreaking bill being brought in by an NDP government, a government that consists of many people who have served so very well in years gone by on labour councils across the province.

I sat on platforms with them and I have gone to the various union halls to see my good friends, and never once have I heard that the NDP government was going to break strikes, was going to bring in back-to-work legislation, even though I had seen it take place in other provinces, in Saskatchewan, for instance, where the NDP government sent the nurses back to work before they went on strike because there was a provincial election coming up in that province, and in Manitoba and British Columbia similar action has been taken.

I never expected it in Ontario, where so many of our good friends on the government side have served as members of labour councils, and they will probably have an explanation when they go back to the labour council and indicate that they have voted for a strikebreaking bill.

1750

I know that my good friend Malcolm Buchanan of OSSTF, a good New Democrat, will be very concerned about this bill. Liz Barkley, the president of OSSTF, will say, "We don't have, I hope, another strikebreaking bill." Menno Vorster, a strong supporter of the NDP in years gone by, and Rod Albert, another very good friend of mine who could never have contemplated an NDP government ever bringing in legislation of this kind. Gill Sandeman, a strong New Democrat over the years, would be surprised to hear that yet another bill is being brought in to break a teachers' strike. I know Jim Head is concerned when he sees this happening; he's been a very good person, and even Larry French was walking around the halls today and he must be just shaking in his boots and tearing up his NDP card.

Mr Gregory S. Sorbara (York Centre): I want to compliment my friend and neighbour the member for York North on this bill and the point that he made, which was that this represents a failure in the system and part of that failure goes right back to the social contract.

But I want to tell you why I would and will vote against this bill when it comes up for a vote and for third reading: The minister said when he introduced the bill that he is bringing in this bill now because the Legislature intends to rise. Well, certainly it does intend to rise this evening or perhaps tomorrow, but the whole point of

this exercise is the way in which we deal with strikes. By the way, I don't object to this bill because it brings an end to the strike. What I object to is that the government is trying to avoid the political liability that generally comes to a government when it must recall a Legislature to end a strike.

The fact is that in order to avoid the political liability and recall Parliament to bring an end to the strike, the minister does it now in a very antiseptic way and says that it will only be proclaimed in the event that the Education Relations Commission proclaims jeopardy. I say to him, why not then bring in an omnibus bill? Just do it once and for all. Avoid the political liability from here on in; that is to say, bring in one bill and from now on the Legislature will not have to be bothered with intervening and bringing an end to the strike.

This government, which believed in democratic rights and the authority of Parliament has, with every passing session of this Parliament, removed more and more the authority of Parliament to actively participate in the ongoing problems of this province and has tried to insulate itself from the political liability and the damage it has done. I think that's objectionable and therefore will vote against this bill.

The Acting Speaker: Further questions and comments? The member for London North.

Mrs Dianne Cunningham (London North): I'll just speak briefly to the government's strikebreaking legislation this afternoon.

The Acting Speaker: These are questions and comments. Further questions or comments? If not, the member for York North has two minutes in response.

Mr Beer: I have set out my arguments. I want to thank my colleagues the members for St Catharines and York Centre, who I think have added useful comments, and just say to the minister that in our view this is a recognition of failure and we've just got to do a much better job.

The Acting Speaker: Before I ask for further debate, we want to wish our pages very well on their way back to all parts of Ontario. Thank you for serving us really well. Have a good Christmas and success in your school year.

Mrs Cunningham: On that point, Mr Speaker, I think that what's this Legislative Assembly and province are all about, the young people. I guess I would say to the minister today that in spite of my brief comment with regard to the strikebreaking legislation, I think it's important that we recognize today that this bill accomplishes something very important, and that is that young people will be back in school where they ought to be.

If we have a difficulty in the collective bargaining process in this province, it isn't news to the minister or the former minister that we should have looked at Bill 100, the collective bargaining act. It has certainly been brought to our attention for the last five or six years that a piece of legislation that has been on the books with minimal change over a period of some 20 years deserves some scrutiny. There are parts of that legislation which are now being brought into effect that never have been before by

school boards and may have been avoided if we had an opportunity to update that particular piece of legislation.

I think that we know, when it comes to this piece of legislation, that the Education Relations Commission is going to have an extremely important role to play and that is to advise the government as to when the students' school year may be in jeopardy. I hope they take into consideration that for some of the young people in our elementary schools in this province, every day counts. There is the precedent of the government in the east Parry Sound elementary panel, which is a precedent for them in legislating back-to-work; those students were out for 40 instructional days, which is too long. These students have been out for some 27 instructional days. This legislation will allow them to be out for, in my recognition, another 13 before anything happens anyway.

I would say that the Education Relations Commission has an extremely responsible position in this strike right now and should be seriously thinking about every single elementary school student in Windsor who, if it isn't important for them to be in school every single day, we have to wonder what that legislation, Bill 100, and the role of the Education Relations Commission are all about. I hope they are listening very carefully to the concerns as expressed here this afternoon as we represent the public.

I think that the minister was put in a bit of a predicament in his own riding. In fact, he had to bring forth the legislation today, given that it is the last scheduled day of the House, and it has forced the minister to take some action. He, in the legislation, has accomplished a time frame that will allow this bill to go into place in an effective way if those who are advising him take this seriously.

We have to say to ourselves, why in the province of Ontario at this time are we experiencing more strikes at any one time since this legislation was brought in 1975.

Hon Mr Cooke: It isn't true.

Mrs Cunningham: The minister is saying that's not so. That's his problem. I have to say right now that across this province there have never been so many school boards that are in this situation, thinking of going on strike, thinking of work stoppages. I'm saying we have never had this many strikes at one time since 1975, when Bill 100 became law.

Hon Mr Cooke: That's wrong.

Mrs Cunningham: If it's wrong, challenge it and show me otherwise. That's certainly what we did; we looked into that and that's my understanding and I have not been proven wrong.

Hon Mr Cooke: I did; I showed you in estimates.

Mrs Cunningham: Oh, it was stated in estimates, but never proven in estimates. There's a difference.

I just have to say also that with regard to the reasons in Ontario for strikes such as this, I'm just going to go back to what the minister himself said when he introduced the bill. He made his own editorial comments separate from the statement that accompanied the legislation, which I very much appreciated because it helps all of us in understanding what it's about.

But he made it very clear that this board was in difficulty and made decisions before the expenditure control plan and before the social contract discussions; it had made drastic reductions. I think that's an editorial comment on behalf of the minister and he left the impression that he didn't approve of that. Now again, if he does approve of it, he'll have an opportunity to answer that question if anybody wants to ask him.

But I will say this: School boards, at least so far and to this date, have the responsibility to represent their citizens. It's up to them to talk about their appropriate levels of budget. Perhaps they themselves saw the difficulties within their own boards, unlike many boards across this province that are running in debt; unprecedented in the province of Ontario, they're running up debts.

1800

Hon Mr Cooke: You are wrong again.

Mrs Cunningham: No, I'm not. The separate school boards in this province have run up unprecedented debts in the last five years. We've had to call in a commission to look at one of the school board debts in the Premier's own riding. It's unheard of. We've never asked for one of those before. Whether we like it or not, it's a situation that we all have to face, that the public is demanding that local municipal governments, school boards and this provincial government manage their accounts and the public's money wisely.

In fact, we do have deficits and debts and we have to make plans for getting rid of them. Not only that; the young people are not going to continue paying all these taxes. Neither are the business people. That's what this school board's responsibilities are all about.

If the minister was saying he thought they were making drastic reductions prior to the expenditure control plan, maybe they had a vision or a sense of responsibility. Prior to the social contract, maybe they had, again, a vision or responsibility. We stand in this House today and I will say it loudly and clearly: The expenditure control plan got in the way of collective bargaining in this province. It upset the whole collective bargaining process.

I can tell this House that the teachers I've spoken to right across this province would have preferred an across-the-board cut, if in fact that's what it took, to what they've been left with: young people who cannot move across the grid for three years, the lowest-paid teachers, those least able to support this system in Ontario with their tax dollars because they don't earn a wonderful living. Those at the top can sustain this kind of challenge when it comes to paying taxes in these difficult times.

The expenditure control plan got in the way of collective bargaining, mucked it all up, and this government, which stands for the collective bargaining and for people whom it thinks we don't represent, has done the very thing it never would have let us get away with.

So today I have to say, the bad news is that they're going to have more strikes until they get that expenditure control plan and that social contract in line, and have discussions as to how it's affecting the collective bargaining process and the teachers and school boards across this province. They're going to have to consult for a change

with all school boards and teacher groups to find out what's wrong and why we are confronting all these new strikes across the province and these pending strikes.

Secondly, I just have to say today that we will be supporting the legislation because we think young people should be in school, and for that I commend the minister.

The Acting Speaker: Questions or comments?

Mr Sorbara: I understand the point of view of my friend the member for London North. I just want to reiterate once again that the government has the authority, when the Education Relations Commission declares jeopardy, to bring forward a bill in this Parliament to end a strike. That's something that we've seen on many, many occasions. But what I want to say to the Education minister is that he has to take the political liability of recalling Parliament to do that at that time. This antiseptic approach whereby he brings a bill in because he wants to recess tomorrow and go away on what he thinks, I guess, is a well-deserved holiday, just won't fly.

The cost of ending a strike is the political liability of recalling the Parliament and having the Legislature consider back-to-work legislation, a strikebreaking bill. But instead of doing that he has said to us, "We want to recess tomorrow so we'll pass this bill just in case so that in the secrecy of cabinet we can decide when we want to bring this strike to an end." That, frankly, is inappropriate. He's trying to avoid the political liability that comes with this sort of strikebreaking bill. He's done this during the time that he was government House leader, restricting the rules and the authority of this Parliament to consider public business, and this is yet another step.

If he wants to do that, why not just bring forward a bill saying teachers' strikes are illegal henceforth, or an omnibus power to say, "We will do it by cabinet decision," because here everything else is done by cabinet decision. This is a dishonest bill. He should encounter the political liability of having to recall Parliament, bring us back here if and when he wanted to end this strike and not give himself the power just in case he needs it down the road.

The Acting Speaker: Further questions or comments?

The member for London North has two minutes in response. There is no response.

Further debate? Seeing none, does the Minister of Education have some closing remarks?

Hon Mr Cooke: No, Mr Speaker. I appreciate the participation in the debate.

The Acting Speaker: Mr Cooke has moved second reading of Bill 139. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those in favour, please say "nay."

In my opinions, the ayes have it.

Shall the bill be ordered for third reading?

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I think we probably need consent to proceed with third reading.

The Acting Speaker: Do we have unanimous consent to proceed with third reading? Agreed.

Hon Mr Cooke: I move third reading of Bill 139.

The Acting Speaker: Further debate? No debate?

Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

TEACHERS' PENSION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LE RÉGIME DE RETRAITE DES ENSEIGNANTS

The following bill was given third reading on motion:

Bill 121, An Act to amend the Teachers' Pension Act /
Projet de loi 121, Loi modifiant la Loi sur le régime de
retraite des enseignants.

1810

Hon Brian A. Charlton (Government House Leader): Mr Speaker, we're now going to move to the Pr bills, orders 111, 112 and 113. I think we need consent to do them on second and third reading.

The Acting Speaker: Do we have unanimous consent to deal with second and third reading? Agreed.

ALL-WOOD LAND CLEARING LTD ACT, 1993

On motion by Ms Murdock, the following bill was given second reading:

Bill Pr67, An Act to revive All-Wood Clearing Ltd.

The bill was also given third reading on motion.

GROUPE CONCORDE INC. ACT, 1993

On motion by Mr Harris, the following bill was given second reading:

Bill Pr68, An Act to revive Le Groupe Concorde Inc.

The bill was also given third reading on motion.

UKRAINIAN PEOPLE'S HOME IN PRESTON ACT, 1993

On motion by Mr Cooper, the following bill was given second reading:

Bill Pr73, An Act to revive Ukrainian People's Home in Preston.

The bill was also given third reading on motion.

The Acting Speaker (Mr Noble Villeneuve): Orders of the day, government House leader.

Hon Brian A. Charlton (Government House Leader): The 82nd order, Mr Speaker. I understand that because this is a private member's bill we'll need consent to deal with second reading in this setting and then we'll also need consent to deal with third reading.

The Acting Speaker: Do we have consent for second and third reading? Do we have unanimous consent? Agreed.

REPRESENTATION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR LA REPRÉSENTATION ÉLECTORALE

Mr Beer moved second reading of the following bill:

Bill 33, An Act to amend the Representation Act / Pro-

jet de loi 33, Loi modifiant la Loi sur la représentation électorale.

The Acting Speaker (Mr Noble Villeneuve): Does the member have some opening remarks?

Mr Charles Beer (York North): Very briefly, first of all I want to thank all members for allowing this private member's bill to come forward and hopefully to be passed today.

York-Mackenzie, the new name I am proposing for York North provincial riding, reflects our area's historic connection to the very roots of responsible government in Canada and commemorates three of its most notable political figures.

William Lyon Mackenzie found staunch support in our area from the beginning of his political career in 1828 until his failed rebellion in 1837. His grandson, William Lyon Mackenzie King, the Prime Minister, sat for the federal North York riding from 1921 to 1925, and Major A.A. (Lex) Mackenzie's distinguished political career as York North's representative in the Ontario Legislature stretched from 1945 to 1967.

The name York North was bestowed on our area by the Representation Act of Upper Canada, 1859, for purely geographic reasons. York county was divided at that time into three ridings: north, east and west. As with so many things in our shrinking and overly complex world, the simple geographic designation is today making life confusing for voters, civil servants, the post office and even elected representatives.

The old name is often confused with that of the city of North York, the federal riding of York North, the north of the region of York and other York provincial ridings. Equally important, we are no longer the region of York's most northerly riding. Today our northern boundary is the line separating Newmarket and East Gwillimbury.

Now is the appropriate time to give our riding a distinctive name, and I believe that York-Mackenzie reflects our long and distinguished political history and the important role this riding has played in our province's and our nation's affairs from the very earliest days of the colonial period.

Again, I want to thank all members and urge the passage of this private member's bill.

Mr Gregory S. Sorbara (York Centre): Very briefly, I just want to congratulate my friend from York North. When I was first elected in this Legislature in 1985, I represented the riding of York North and it was, as he said, often confused with North York and a whole bunch of other things.

We are very, very saddened to see the departure of the member for York North, and I want to be the first to welcome, as soon as this bill passes, the member for York-Mackenzie, one of the most distinguished members of this Legislature, congratulate him on his great work here and the fact that he has given new and even better recognition to a great riding, well represented certainly for the past eight and a half years.

The Acting Speaker (Ms Margaret H. Harrington): Any questions or comments to the member? Seeing none, any further speakers?

Does the member for York North have any further comments? Seeing none, is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? Agreed.

Mr Beer: I move third reading, Madam Speaker.

The Acting Speaker: Do you wish to make some comments?

Further debate? Seeing none, is it the pleasure of the House that the motion carry? I resolve that the bill do now pass and be entitled as in the motion.

ENVIRONMENTAL BILL OF RIGHTS, 1993

CHARTE DES DROITS
ENVIRONNEMENTAUX DE 1993

Mr Wildman moved third reading of Bill 26, An Act respecting Environmental Rights in Ontario / Projet de loi 26, Loi concernant les droits environnementaux en Ontario.

The Acting Speaker (Ms Margaret H. Harrington): Minister, would you like to comment?

Hon Bud Wildman (Minister of Environment and Energy): Very briefly, I understand that there has been an agreement and I won't take much time. If you would indulge me for a moment, I would like, on a personal note, on behalf of my family, to express thanks to all of the members of the assembly who have been so kind to me and my family over the last few weeks.

Having said that, I want to thank the members who have worked on the committee and have facilitated the passage of the Environmental Bill of Rights and also to thank the members of my staff who, in my absence, along with my parliamentary assistant, were so active in the committee work along with the other members of the committee.

The Environmental Bill of Rights contains a number of innovative features: It will establish an electronic registry; it will give people proper notification and allow them to get involved at a very early stage of the decision-making process; 14 ministries of the government will establish statements of environmental values, and these statements will be placed on the registry; the statements will create a new environmental ethic for the provincial government as a whole; an Environmental Commissioner will be appointed to serve as a watchdog of government activities and report to the Legislature; and individual members of the public will have expanded rights to act on behalf of the environment.

Rights to request reviews of acts, policies, regulations and instruments will be provided to members of the public, and members of the public will have the right to initiate investigation into our environmental laws if they believe environmental laws have been broken. There will be increased access to the courts to protect the environment.

One area I do regret is that, although we all worked very hard, both in the Ministry of Environment and Energy and with the Chiefs of Ontario and the chiefs of the first nations and in the committee, we were unable to reach an agreement on amendments that would provide protection for treaty and aboriginal rights in specific amendments to the bill, so those negotiations were not finalized and the amendments did not proceed. We

anticipate there will be a continuing dialogue with the Chiefs of Ontario to ensure that aboriginal and treaty rights can be protected while ensuring greater access and protection for the environment.

1820

This is a tremendous step forward. It's really a bill that is a victory for all Ontarians in terms of environmental protection and involving the public in environmental decision-making, and I commend third reading to all members of the Legislature.

The Acting Speaker: Any questions or comments to the minister? Seeing none, further debate?

Mr Steven Offer (Mississauga North): I'm pleased to rise and debate on this particular piece of legislation, to which we are not opposed. I would like, in the very short period of time permitted in terms of debate on this bill, to indicate that the bill came about as a result of a task force of individuals who represent a variety of interests across the province. As a result of that task force, a certain consensus was achieved on a variety of areas and those particular areas found their way into the piece of legislation. For that, I think the task force is to be congratulated and commended for the work it has done.

When it got into legislative form, the bill, I must say in as balanced a way as I can, went through a very curious process. I believe the bill, which is a very complicated piece of legislation and touches on very many intricate and complicated areas, should have received—and I will always say this—more public input and more of an inclusive public hearing process. The bill in its final form could have and should have received an even greater degree of input from the general public on a piece of legislation which has tremendous potential in terms of its impact and protection of the environment. But for some reason the government did not want to allow that type of public participation, and notwithstanding the great success of the task force and my support of the bill, the bill will always carry with it a little concern on my part in that we did not reach out, and it was not possible because of the particular process dictated to us, to really get as much public input as we otherwise could.

Certainly I think that in the time we did have allocated to us there were some very important statements made by those who were able to take part in the public hearing process. There were important statements made by them through their presentations and there were also very important statements made, and I speak to the Minister of Environment, by your parliamentary assistant and ministry staff. I think those statements that are now part of Hansard and part of the committee recordings will be very important to many people who will want some further guidance as to how this particular piece of legislation is to operate, the breadth and scope of the legislation. We recognize very much the difficulty in the procedure of the bill, but I think there were still some very important statements made by the parliamentary assistant and by the ministry staff which I think and hope will go some way to dealing with some of the confusion over some areas that existed and I hope were attempted to be resolved.

One of the things I'm particularly pleased about is that our party had a concern that the piece of legislation might

foist on the municipalities a financial obligation in a number of areas. It was on that basis that I, on behalf of my party, put forward an amendment that this bill would not provide any financial burden on any municipality. The government accepted that particular amendment and it now forms part of the legislation. I believe it will go some way to calming some of the fears municipalities had in terms of the workings of the legislation.

Finally, there was a further amendment we provided which received some fine-tuning which actually in some way increased the scope of the work of the Environmental Commissioner. I think that adds a little bit more to the role and function of the Environmental Commissioner.

I think, however, that there is an expectation of the general public as to what an Environmental Bill of Rights is. They come with a certain expectation, and I think that when they take a look at the piece of legislation, it might not meet the expectation that an Environmental Bill of Rights has in the general minds of the public. It deals in some very important areas, but I think there is an expectation of new rights, of a new process that the general public can avail themselves of in terms of the protection of the environment. I do not believe this particular bill meets all of those expectations. I think that when the general public has the opportunity to take a look at the piece of legislation, when they understand the process that they are going to have to go through and they take a look at the roles and the functions of the Environmental Commissioner, they may have some questions as to how this bill actually does meet their particular needs in the vast regions of this province.

However, I do realize that we are under, and it has become the case in this particular piece of legislation, some significant time constraints, so I will complete my remarks by indicating our support for the legislation and indicating that I believe the amendment we move which protects municipalities from the costs of this legislation in its implementation is one which I think many will support.

Mr Gregory S. Sorbara (York Centre): While I appreciate the comments of my colleague from Mississauga North, I am not going to be supporting this bill. I'm going to be voting against it. I want to tell my friend the Minister of Environment why.

Although the principles in the bill are ones that I would adhere to, the—I'm sorry to use this word—hypocrisy of presenting this bill at the same time as the government has arbitrarily and without any investigation made a private cabinet determination under Bill 143 that all of Metropolitan Toronto's garbage shall be dumped in York region is the epitome of violating in one piece of legislation—

Mr Jim Wiseman (Durham West): On a point of order, Madam Speaker: The use of that word, "hypocrisy," in this Legislature has been confirmed on more than one occasion by Deputy Speaker Morin as not an acceptable use of the language, and I believe the member should withdraw that. If he doesn't want to defend his residents and support—

The Acting Speaker: Thank you very much. To the

member for York Centre, I would prefer that you not use that. Would you withdraw, please.

Mr Sorbara: Madam Speaker, I described the legislation as a piece of hypocrisy, no individual member—

The Acting Speaker: I have asked—

Mr Sorbara: —but I'll withdraw that as well.

Just let me point out another inconsistency, not to say hypocrisy. During the constitutional debates, Bob Rae went around this province crying out for a social charter. We had to have a social charter which guaranteed the rights of workers to organize and bargain collectively. But in doing his business in Ontario, he gave us not a social charter but a social contract which violated the rights of one million workers in the public sector and the broader public sector.

Similarly, in York region the government has used its power and authority to require that York region be required to accept all of Metro's garbage. During the same Parliament, during the same session, to say, "We believe in an Environmental Bill of Rights," is in my view hypocritical.

Mr Wiseman: I just want to make a very short comment on the Environmental Bill of Rights with respect to landfill sites. This section of this bill is very important in that it allows the residents to put forward a challenge to the ministry and ask it to review certificates of approval, laws that are in place, regulations that are in place. In my constituency, of course, with Brock West being the mess that it is, it will allow the residents there to challenge and to ask the minister to review the situation and to put forward arguments as to why he or she should. This is the same kind of protection that would be afforded to the residents of Vaughan and will be the same protection that will be afforded to the residents of Peel.

1830

I believe the Environmental Bill of Rights is an extremely important piece of protection which would allow any two residents within that community to ask for a review and to ask that the ministry account for what it's doing. To do otherwise simply allows, as the opposition parties were trying to do with their amendment, waste management issues to not even be included, and I think that would be wrong.

It's unfortunate that the member for York Centre will not be supporting the bill. I think he's letting his constituents down. I think this is an excellent bill and will be supporting it, and I hope my residents and my constituents will use it to the best effect possible.

The Acting Speaker: Further questions or comments? Seeing none, the member for Mississauga North has two minutes to respond if he wishes.

Mr Offer: No, thank you.

The Acting Speaker: Further debate?

Mr David Tilson (Dufferin-Peel): I have agreed to limit my remarks with respect to this bill, as has the Liberal critic.

Mr James J. Bradley (St Catharines): Instead of our allotted hour and a half.

Mr Tilson: I wish we did, and I must say it's an interesting experience as we watch bills flip through this evening at a rapid pace in the same way this process with respect to the whole process of the Environmental Bill of Rights, in my view, has gone through at a rather rapid pace.

I know the Minister of Environment will tell me about the task force that was developed, and we in the opposition have congratulated him for that, in fact the former Minister of the Environment as well, with respect to a process that went through with the environmental interest groups and members of business. Of course, that was done, in my view, with the threat of a bill such as Bill 12 when the NDP was in opposition putting forward an environmental bill at that stage, which I must say frightened many of the people in the business community.

However, we now have a bill that was drafted by a group of business interest groups, environmental interest groups, a wide range, and I do say that the government needs to be congratulated on that, although there were a number of groups that were excluded from that process. It's been quite clear that the farmers have expressed a concern that they didn't have adequate say in the process that followed with the development of that bill, nor did developers, nor did home builders, nor did renovators, nor did the construction industry. There was a large number of groups that were excluded from that process.

That leads us up to this whole process of a bill that was introduced in May of this year. Nothing really happened until this fall. The public hearings were limited. We really had an inadequate time to hear delegations. The time frame was shortened. There was an inadequate time for dialogue with the delegations that came forward. Many of the delegations were approached on very short notice and didn't even have time to submit written submissions. In fact, in many cases we have yet to receive those. I will say that has distressed me in terms of the process of reaching where we are now in trying to put forward a very complicated bill which has, I believe, 126 sections and many, many complicated areas throughout those 126 sections. So it has been a rather speedy process. There was not even any advertisement undertaken with respect to delegation, so that the people of Ontario weren't even informed that this process was going on.

The whole process with respect to clause-by-clause was restricted to two days: two days to develop and debate the various amendments that were put forward by the Liberal Party, the Progressive Conservative Party and the government, and the actual 126 clauses. So I will say I object to the process that has come forward. I don't think sufficient time has been put forward with respect to this bill.

There were some excellent presentations given to the committee. Many of you who have been on that committee, I am sure, have those reports: Laidlaw Waste Systems, the Ontario Waste Management Association, the Ontario Forest Industries Association, AMO and the Ontario Farm Environmental Coalition, to name some that made excellent presentations.

The agricultural community is certainly concerned that

the Farm Practices Protection Act will not go far enough to protect the farmer from this legislation, from perhaps the environmental extremists. I hate to use that word, but there are people the farmer fears who could cause problems to the agricultural community. Certainly that group has expressed grave concerns that this bill is going to create more problems for an already suffering agricultural community.

AMO was perhaps the most attacking of all of the presenters. They expressed the uncertainty about instruments and other pieces of legislation. They expressed concerns about the appeal process, the issue of delegated authority and, more important, the cost, notwithstanding the amendment that was made at the committee hearings, to municipalities, the cost to people who are making application.

The Ontario Forest Industries Association was concerned, as a number of organizations were concerned, about the potential duplication, and that was expressed by many delegations. The Ontario Waste Management Association expressed concerns that the designated ministries should be developing statements of environmental values in the draft process prior to this bill being passed so that this House and the committee could study exactly what those statements of environmental values are. We didn't really have an opportunity to get into that.

Throughout, there was a concern about the ministry's discretion, that it may not be used appropriately, and that was argued by all members of this House. It's fine if you have a responsible minister, but if you don't have a responsible minister, the minister could exercise his or her discretion in an inappropriate way.

Laidlaw Waste Systems was concerned about the approval process, that it could be unpredictable and costly in an already unpredictable and costly process. They felt there was already a process and way that would solve many of the concerns, and that this really means more delay, more cost and again more unpredictability.

I will honour my undertaking to be brief in my comments to emphasize my concern about the process. I have the feeling, as the critic for the Progressive Conservative Party, that this whole process has been rammed through, that the people of Ontario, notwithstanding the work done by the task force—and I emphasize that I do congratulate the minister on that. But the work of the committee, the work of this House has been shortened for a very complicated and important bill, so much that even when I look at periodicals that have come out, the Index to Services for the government of Ontario, it's already been printed.

The Environmental Bill of Rights office has opened up and has a staff of already a large number of people, and this is before the bill is even passed, which states that, "The purpose of the Environmental Bill of Rights office is to establish and implement procedures to enable the ministry to fulfil its obligations under the Environmental Bill of Rights, facilitate the government-wide implementation of the bill, establish the office of the Environmental Commissioner, render operational a publicly accessible electronic registry and make provisions for the training of ministry staff." Very strange to put in a government periodical when the bill hasn't even been passed.

The Acting Speaker: Questions or comments to the member for Dufferin-Peel? Seeing none, is there any further debate?

Mr Bradley: I too will begin by saying that I regret I will not have very much time to speak this evening. I find the end-of-session procedures to be contrary to everything I believe about parliamentary procedure; nevertheless, I'm one member out of 130, and I suppose everybody here is bound and determined that we must wrap up tonight instead of evaluating these bills and debating them in some detailed form. I find it unseemly that we are rushing through a number of bills this evening and that they're not getting the kind of scrutiny and discussion they should. But, as I say, as one of 130—there may be more—I guess that's the way the ball bounces.

1840

I want to indicate from the beginning with this bill—because I've followed it with some interest over the years. A similar bill was introduced by Stuart Smith in the 1970s, 1980s, and subsequently by Murray Elston when he was the critic for the Liberal opposition and there was an excellent bill, a very tough bill, introduced by Ruth Grier, the member for Etobicoke-Lakeshore.

I want to indicate to this House that this bill in no way resembles the bill that was introduced by Ruth Grier to this House and that it is a significantly watered-down bill. That may be the way that it has to be in order to receive the acquiescent nod of the business community in this province. We know the Premier is eager to gain some favour with the business community and not annoy it any more than he has now.

Therefore, we have a significantly different bill. What is unfortunate is that the report of this will be that the government has passed some significant piece of legislation. I hope I don't read in the *Globe and Mail* or listen to the CBC and find this out or read some publication put out by a hard-hitting environmental group that somehow this is a major departure towards progress in the field of the environment, because it's far from it.

However, my hopes are not high that that in fact will be the case. I'm sure the government will extol the virtues of this bill as a prerogative of the government. But those who really know the story of this bill, if they can in all good conscience say that this bill is a bill they would have accepted from a Liberal or a Conservative government, boy, I would be very surprised at that.

I expressed concern previously, and I will again, that the resources of the Ministry of Environment are limited at this time and it is my view that the priorities of this government, which I think in terms of dealing with those issues—I may just add 15 minutes after that. When I get the smirks from the government henchmen on the sidelines, it makes me want to continue on just a little, so the smirk will get you another 15 minutes.

Anyway, I expressed great concern about the fact that the resources of the ministry are going to be skewed by the demands of individuals who will take advantage of this bill. That's what the bill invites, and if the ministry has a lot of resources, if the money, the staff and the

actual equipment that the ministry has is increasing considerably, the government can then sustain those from outside who would indicate what the government should be doing as opposed to what the minister and members of the civil service indicate may be important.

I don't think those resources are there. I think there's a suggestion in this bill, and it certainly flows quickly from this bill, that in fact there's going to be a need for considerable more resources, and those resources are simply not there.

I commend to members of the House—I won't quote from it because I don't want to be overly long tonight—a speech made by Dianne Saxe, formerly of the Ministry of the Environment, a well-known environmental lawyer. She has a rather interesting critique on some of the implications of this bill. I simply commend it to members of the House so that they can see that the implications of this bill are rather far-reaching. They might have been canvassed if there had been something more extensive in the way of public input and public hearings.

I also read from a document which indicates the business community doesn't have to be too afraid of this, previously put out by a firm which advises companies about government legislation. The document said: "Don't be afraid of this bill. You should not, as a company, be concerned about its implications for you." There are different views that will come out on this, but this was a newsletter that went out to many companies, so they certainly don't have to be concerned.

I make a plea to the government. I know the minister's listened carefully to this. In fact, I think he has, to his credit, to my knowledge at least, maintained the investigations and enforcement branch as a strong and independent branch. I have been concerned that his colleagues in government, who naturally want to see the ministry trimmed as much as possible in light of the financial circumstances, would want to perhaps remove the independence of the investigation and enforcement branch by putting it together with other branches which are abatement and other services and put them under the control of regional directors. I think the independence of the investigation and enforcement branch is exceedingly important to preserve. It's my understanding that the minister is certainly supportive of that and I hope that is borne out by what happens.

So much has to be done to meet the environmental expectations and needs of the people of this province. This is one of the steps, but I hope that there will not be a collective sigh of relief from government members and the community at large; that somehow, now that we have this Environmental Bill of Rights, so-called, we don't have to worry about all the environmental challenges that are out there.

One thing the next government will be able to say when it comes into office is that the government, for whatever reason—and I understand the state of the economy, to be very fair—has not set an exceedingly high benchmark in terms of what may be expected from a subsequent government. Unfortunately, if those who have been acquiescent and quiet during these debates and during the last three years and a couple of months dare to

criticize a subsequent government, the credibility will simply not allow them to do so with any degree of success.

I'm with the minister here. I wish him the very best of luck in the implementation of this bill. I encourage his colleagues to provide for him the resources he's going to need to carry out his responsibilities. The member for Algoma is a strong supporter of the environment, has been since his election to this House in 1975, and deserves the strong support of his colleagues in the cabinet particularly but in the government caucus, and certainly he may be counted upon for my support in any initiatives he brings forward which will be of benefit to the environment.

The Acting Speaker: Questions or comments? Any further speakers? Seeing none, the minister.

Hon Mr Wildman: I'd like to just close debate if there are no other members who wish to participate in the debate.

I want to thank the members for their comments and their concerns about the length of time. I do recognize that is a consideration we all must take into account as parliamentarians. I want to say, though, that this bill is indeed the result of a considerable consultative process. The task force work has been mentioned. There are a couple of members of the task force in the gallery this evening as well as a large number of staff members of the Ministry of Environment and Energy, who worked very hard on this piece of legislation. I would like, on behalf of all members of the House and of the government, to express our thanks to all of them for the work they have done.

This bill is a people-powered bill. The fact is that people, two individuals, can indeed initiate action that will review or investigate activities with regard to environmental protection and environmental instruments and the instruments of various ministries of the government as it relates to the environment.

What is remarkable about this bill is that it is based on the consensus that was reached by disparate groups represented in the task force. There were comments made about the presentations before the standing committee. I believe there were about 25 presentations, and the majority of those presentations were very supportive of this legislation.

While there was widespread support for the bill as drafted, there were some who appeared before the committee and said it went too far. There were others who said it didn't go far enough. This is indeed an attempt to reach a consensus by taking into account the concerns and interests of very widespread and different views throughout the society. It is, I think, a triumph for all Ontarians, and the challenge now is for all of us in government, environmental groups, in business and labour, to make it work.

The Acting Speaker: The Honourable Mr Wildman has moved third reading of Bill 26, An Act respecting Environmental Rights in Ontario. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

1850

EDUCATION AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT LA LOI SUR L'ÉDUCATION

Mr Martin, on behalf of Mr Cooke, moved third reading of Bill 125, An Act to amend the Education Act / Projet de loi 125, Loi modifiant la Loi sur l'éducation.

The Acting Speaker (Ms Margaret H. Harrington): Would the parliamentary assistant wish to make any remarks? No. Any debate?

Mr Charles Beer (York North): I'll be very brief, just to say to the parliamentary assistant, as I noted during second reading debate, that we are supporting this bill, particularly with respect to the proposals for the parents' council. That is an important initiative; it is important that it function well. I encourage the members of the council to look at how they can organize their work to get around the province and to meet with parental groups in the various parts of the province.

Since the bill came in and since it went through second reading, I've had more calls from parents in different parts of the province who indicated, "Let's make sure this isn't simply a Toronto-based council." We all recognize, with Queen's Park being in the heart of Metropolitan Toronto, that not through any machiavellian will but simply because we are all here, those outside can sense at times that the views beyond Metropolitan Toronto are not heard. I think this council can do some very good work and it is important that it travel.

The second thing I want to say is the importance for the council to reach out to those other major players who are also involved in our educational system, the trustees, organizations, the teacher organizations. What we're trying to do here is create a meaningful partnership where people really feel they are buying into helping to work on solutions. If that happens, I think that council can play an important and significant role in improving education in the province.

The Acting Speaker: Questions or comments? Further debate?

Mrs Dianne Cunningham (London North): Madam Speaker, I did put my comments on record. I'll just speak very briefly to underline one of the sections of this legislation that we agree with and three we have some concerns about.

The real concern I have this evening is with regard to process. Here we're facing a piece of legislation that the government refers to as omnibus, but I can only say that the issues within this legislation are so very different.

We're looking at local governance and talking about the numbers of school board trustees. We're looking at what I believe ought to be consultation, and parent involvement may be part of it, but in my view, something that deserves serious consideration and understanding by

the citizens of this province is with regard to the kind of consultation process and the advisory committees, the number of advisory committees the minister now has access to. And then we're talking about two issues that perhaps rightfully belong together with regard to French-language governance.

On the first issue, it's very difficult for us to be able to come to some firm conclusion around whether we can support this legislation, because in fact we do agree that local school boards ought to be able to take the decision about whether they want to reduce the number of elected trustees who are there now. We know that the Etobicoke school board, the Metropolitan French-language school board, the Metropolitan Separate School Board in Toronto and Ottawa have all expressed an interest in reducing the number of trustees. We agree that they ought to have that kind of authority so we are in agreement with that kind of legislation. It's been a request, actually, from a number of school boards.

With regard to the Ontario Parent Council, the critics of the council are well versed in that they do understand that we're spending some \$600,000 for parental input, a lot of which would be available at the local school board level, where I think the emphasis ought to be on parent councils, home and school associations, parent-teacher organizations and other parent groups, probably without cost if we were to take advantage of the individuals and interested parents around the province of Ontario who are just really crying out to be heard.

So I'm not sure that this vehicle is the best one for the government. It will be advisory group number 44 in the Ministry of Education and Training. That's right, 44 advisory groups in the Ministry of Education and Training still on the books; obviously, many of them are not active.

I will say, in terms of another piece of legislation we had to address this year—I think it was called Bill 4; at any rate, it was with regard to the hard-to-serve students—the ministry's own advisory committee on special education was not asked its opinion on that legislation. The minister has advisory committees and he should be asking their opinion. They came before a standing committee of this Legislative Assembly and advised us with regard to what I've just stated.

The minister has chosen to set up this committee; that's his prerogative to do so. We have no choice in this matter: We're outnumbered. It's another expensive vehicle.

I should not be concerned, because two London parents are there. I will congratulate Mr Richard Burke and of course Mr Richard Zelinka, the president of the Federation of Catholic Parent-Teacher Associations of Ontario and the chairperson of the Banting Home and School Association, respectively, on their appointments. We have no problems with the people who have been picked.

But we do have problems with the vehicle itself and problems with regard to the method this government has chosen in its selection of representatives for the parent council. It was announced on September 7 and applications were due on October 7—one month. Only six of the 18 seats on the parent council were filled from applica-

tions sent in by ordinary Ontario citizens.

So I'm speaking not in favour of that parent council at this point in time, but I think all of my caucus would agree that it will be established, the minister will be looking for its advice, and we certainly wish it the very best in the consultation process.

On the last two parts, continuing to establish French-language school boards by regulation, I have to say right up front that I am in favour, and so is my caucus, of minority-language rights. To us, this is a management issue, and we believe French-language school boards should be set up by acts of this Legislative Assembly as opposed to by regulations of the government of Ontario. We feel there ought to be public consultation and a real need shown and that it should be public debate; anything that's worth supporting is worth supporting by public debate in this regard.

I also would like to say with regard to the special election of minority-language boards between regular election years, part of the mandate of the royal commission is to advise the government in this regard, with regard to governance and other issues, and I think also with regard to parent involvement and communication. I can only say at this point that it's unnecessary; that the school boards are working right now, do have representation to their boards and are working quite well. I think, like every other school board, they can wait to be elected every three years. It just gets in the way of a clear, concise electoral process that would be consistent among public, separate and French-language school boards across the province of Ontario.

1900

I know one of my colleagues is wondering how we're going to vote. My caucus members will vote any way they choose to vote. I personally can only support one section of this legislation. I believe it ought to have been more bills we're looking at. I don't believe it should be rushed through before the Christmas break and, due to the process and the comments I've put on record on behalf of many of my colleagues, I will not be supporting this legislation.

The Acting Speaker: Questions or comments?

Mr Gregory S. Sorbara (York Centre): I've just been very impressed by the comments of my friend from London North. I think she's right about this bill and based on what she said, I am going to support her in opposition.

The Acting Speaker: Any further questions or comments?

Seeing none, the member for London North has two minutes to respond if she wishes. No?

Further debate? Seeing none, would the parliamentary assistant have any comments?

Mr Sorbara: He left.

The Acting Speaker: Thank you. Mr Martin, on behalf of Mr Cooke, has moved third reading of Bill 125, An Act to amend the Education Act.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

CONCURRENCE IN SUPPLY

Resuming the adjourned debate on the motion for concurrence in supply for the following ministries and offices: Ministry of Agriculture and Food, Ministry of Housing, Ministry of Health, Ministry of Labour, office responsible for women's issues, Office of Francophone Affairs, Ministry of Education and Training, Ministry of Economic Development and Trade, Ministry of Community and Social Services, Ministry of Natural Resources, Ministry of Northern Development and Mines, and Ministry of Culture, Tourism and Recreation.

The Acting Speaker (Ms Margaret H. Harrington): Is there any further debate on this motion?

We shall go through each of the ministries separately for concurrence in supply.

Mrs Margaret Marland (Mississauga South): On a point of order, Madam Speaker: If there is unanimous consent, we're happy to vote on the concurrences for all the ministries with one vote.

The Acting Speaker: I am just going to confer with the clerk for a moment.

We will put each one separately.

Shall the estimates on the Ministry of Agriculture and Food be concurred with? Carried.

Shall the estimates for the Ministry of Housing be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Shall the estimates on the Ministry of Health be concurred with? Carried.

Shall the estimates on the Ministry of Labour be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it.

I declare that motion carried.

Shall the estimates on the office responsible for women's issues be concurred with?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Shall the estimates for the Office of Francophone Affairs be concurred with? Carried.

Shall the estimates on the Ministry of Education and Training be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Shall the estimates for the Ministry of Economic Development and Trade be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

Shall the estimates on the Ministry of Community and Social Services be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. Carried.

Shall the estimates on the Ministry of Natural Resources be concurred with? Carried.

Shall the estimates on the Ministry of Northern Development and Mines be concurred with? Carried.

Shall the estimates for the Ministry of Culture, Tourism and Recreation be concurred with?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. Carried.

Hon Marion Boyd (Attorney General and Minister Responsible for Women's Issues): I'd like to ask for unanimous consent to revert to the introduction of bills.

The Acting Speaker: Do we have unanimous consent? Agreed.

INTRODUCTION OF BILLS

SUPPLY ACT, 1993

LOI DE CRÉDITS DE 1993

On motion by Mrs Boyd, on behalf of Mr Laughren, the following bill was given first reading:

Bill 140, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending on the 31st day of March, 1994 / Projet de loi 140, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 1994.

Hon Marion Boyd (Attorney General and Minister Responsible for Women's Issues): In speaking to the supply bill, I ask that members follow the usual practice for this routine bill and agree to give it second and third reading today so that the legal confirmation of the estimates will be concluded before the House rises. The estimates debates have provided the members with the opportunity for debate on the expenditures that this bill authorizes, and it has accordingly been the practice of the House to concur in giving the supply bill all three readings on the same day.

So, if the House pleases, I now move second reading of the bill.

The Acting Speaker (Ms Margaret H. Harrington): Would you care to make any further remarks? Further debate?

Mr James J. Bradley (St Catharines): Thank you very much for once again providing some opportunity this evening to deal with a few issues that are, in my view, important to the Legislature. I wish we were dealing with these for yet another week, but we aren't, or

that the House were back in January to deal with some of these issues, but I suspect it will not be back till at least March. If we follow the practice of other years, the government will delay further and come back some time in April and then, in June of the year, complain that it doesn't have enough time to deal with the agenda it has for us.

1910

I want to touch on a couple of issues of importance to me personally. There's not going to be unanimous agreement on this. Perhaps you and I, Madam Speaker, may not even agree on some of the issues that have come forward.

The first I'm going to deal with is the whole issue of gambling in this province and how I think it's getting very much out of control. There will be people, I guess, who would advance the argument that those who do not accept this are simply not accepting reality in Ontario. That's a pretty compelling argument. You can make that argument with a lot of issues of this kind, that one simply has to keep up with the times. I suspect, however, we as a society—and I have expressed in the past my surprise and disappointment that it is an NDP government which has permitted this. But I think as a society, if I can put it in those terms, we are making a mistake moving further and further with opportunities to have people gamble their money away.

The latest that we have is offtrack betting, and I know a lot of people who are quite happy to see offtrack betting. They can now flock to their local bar or tavern and put their money down and bet on the horses. They don't even have to go to the racetrack now to watch the horses race. They can simply go to the particular establishment that somehow has been able to get the rights to run this.

What I would invite members to do is to go and observe it happening. Go and see who's gambling. Go and see what's happening in these establishments. I don't know if you'd be as eager if you watched what happens in those circumstances, just as I don't know if you'd be as eager when you watched some of the casinos that we're going to see established and the people who are going to be flocking to those casinos to gamble.

Niagara Falls, Ontario, where you're from, Madam Speaker, has expressed an interest in having a casino located there. I was buying my newspapers on the weekend. I don't ordinarily buy American newspapers except for sports, but I noticed the headline in the Niagara Falls Gazette mention a casino for Niagara Falls, New York. What it points out is exactly what I've been saying in this House: that you're not going to be the only game in town. As soon as somebody on the other side has one—and Americans always have more money and seem to do things in a flashier way than we Canadians. As soon as you have one in Canada or a suggestion that you might have one in Canada, you'll have one immediately across the border competing with it and you'll have all of the problems that are associated with casino gambling without the benefits.

As I mentioned before, it's not easy to undo a lot of these things. If you think that a new government comes

into power, a different party which has members who have strongly held views on these matters, and is going to be able to dismantle the system, it's not very easy. That's why I fight it at this point. Once you establish it, it's very hard to close it down, because it is in effect, at least in the short term, a cash cow for a government. That happens with so much legislation that is passed, that a new government takes over, sees that it is easy money, and has a difficult time denying itself that source of revenue. That makes me extremely concerned.

Jock Ferguson has always over the years written some very good investigative stories. They've annoyed a lot of people over the years who have perhaps been on the wrong side of the law. But he has expressed some concern in a *Globe and Mail* article of November 17, a concern that I have, and that is, how do you get offtrack betting in your bar or your tavern, and why don't the other people in the city have the same opportunity?

I've had a number of people in my community of St Catharines call me to say they have been questioning the method by which people are chosen to have this opportunity to have offtrack betting in their establishment. Some people said they didn't even know it was available; others said they didn't know how to get on the list, and why was one bar allowed to have it and not other bars? Because it gave a distinct advantage. Though they don't get a commission, they do gather people in there who spend money then on food and beverages.

I note in this article a quote which I think is from Mr Rod Seiling, who is with the Ontario Jockey Club. I think it's quoting him saying, "I recognized very early on that there was potential to be offered an inducement to award a franchise to a specific person, so every time I go out I have a second person with me....I'm not alone." So there is an admission there that there is at least a remote possibility that some kind of influence can be brought to bear so that one person gets designated as the bar or tavern over somebody else.

I well recall, though I don't want to go into this history, and some members of this House will recall how you used to get a liquor licence in Ontario, and that was you had to hire the right Tory lawyer or make a donation to the Tory bagman and you got a liquor licence. Well, over the years that was eliminated. They eventually had so many liquor licences that it wasn't required. I have a fear that that's how people are going to get on this list, that there's always that possibility.

Mr Seiling has said: "We have a set of internal criteria to judge the sites and hopefully we find someone we believe would make a good partner. We used this process with Sudbury Downs in the north to select site locations and we think it has worked quite well."

I don't think that internal criteria ever work well. I think the public is entitled to know what the criteria are that are being used to select one bar or one tavern over another in awarding the right to have offtrack betting. It invites influence peddling; it invites favouritism; it invites patronage. I'm not saying that's happened to this point in time, but the danger is there and I must express that concern on behalf of a number of people in my community who own establishments and are not happy that they

have not had the same opportunity as other establishments.

To go back to casino gambling for a moment, although I don't want to flog what apparently is a dead horse around here, it's very hard for the Windsor members to resist it because of course everybody's eager when it happens. It's something new. It's like anything new in a community: It looks good, it sounds good, and you have to ask yourself 15 years later whether it was worth it.

If you talk to people, they say, "There are jobs there." They're happy. It's very hard to make the arguments against some of the reasons put forward in favour of a casino. Unfortunately, the only thing a person can do is to 10 or 15 years later say, "I told you so," and you don't want to be in that position. You would hope things would work out.

But I worry about the movement towards more and more and more gambling opportunities in our province. There's even a battle going on between the National Basketball Association and the province over betting. I must say that in principle, though I'm not going to get in the middle of that particular battle, I see a danger in all betting on sports events because it does allow for the danger of people throwing an event, throwing a game or influencing the point spread so that people can win a lot of money. I don't like that opportunity in sport, and never have. There was a scandal in baseball many, many years ago that involved that. Now that we have gambling on these games in some places, it does pose some concerns for me that that can happen. That's in a general sense as opposed to getting into the middle of this latest battle between the government and one section of the business community.

I also must express concern about the high-alcohol beer. That isn't new. As some of my friends on the other side have interjected in the past, it's not necessarily new. What I am concerned about is that the two major companies, Labatt, and then Molson of course would feel compelled to meet that competition, have come out with what was called 7.1% beer, some kind of ice beer, heavy ice or deep ice—

Hon Frances Lankin (Minister of Economic Development and Trade): Maximum.

Mr Bradley: Maximum Ice.

I don't know if you could draw the conclusion, but my colleague Carman McClelland asked the question in the House yesterday about this. There is an increase in the number of people who have been found drinking and driving, and some people have attributed this to the fact that a lot of people don't realize, because they're used to drinking other kinds of beer, perhaps a light beer or regular beer, that the alcoholic content is higher in these beers, and as a result we have people getting intoxicated more quickly.

So I express concern about it. They're marketed with a lot of fanfare. I know the companies now are getting a reaction so they're starting to backtrack a bit and say, "Drink responsibly," but I think that's the danger, particularly for young people. That beer is probably the cheapest alcoholic beverage they can consume, and for

that reason it particularly affects young people. I don't want to see that happening. I hope the companies will look at that carefully. I don't know whether you can get into regulating how much alcohol you're putting in beer—that's sometimes difficult—but I flag that as a concern in the future.

1920

All of us have received in this House letters from people who are concerned about a diminishing of the number of medical services they can receive from government. I'm not irresponsible enough to say there is an unlimited amount of money to spend on everything—there isn't—but I hope when the government makes these decisions, it evaluates carefully the ramifications for people. I have always believed, as I know most members of this House have, that there should not be one rule for the rich and one rule for the rest; that there should not be one kind of medical care available to the rich and the privileged in this province and another level for other people.

I become concerned when I hear people who have to spend \$300 or \$400 a month on drugs because they don't have a drug plan. We in this Legislature have a drug plan so we're covered, or I think 90%. I worry when certain drugs are not provided to people who need them, lifesaving or certainly health-saving drugs, and we start seeing those withdrawn from the list. I hope the government would not do so in any cases where those drugs are in any way essential to people.

In a very parochial sense, I want to emphasize again my support for the Lincoln County Board of Education and the support of my colleagues in the Niagara region who attended a meeting with the board for appropriate funding for Governor Simcoe Secondary School additional facilities. My friends the member for St Catharines-Brock and the member for Lincoln attended in St Catharines, because we are involved with the Lincoln County Board of Education through our boundaries. We have been involved in discussions with the board about the potential funding of Governor Simcoe Secondary School.

As I mentioned last week in this House, the Lincoln County Board of Education came to an amicable but difficult settlement with the separate school board when it transferred Grantham High School, my old high school, to the Lincoln County Roman Catholic Separate School Board. As part of that agreement—this is in the context of across the province—there were battles going on where there were not easy transfers and the government had to order transfers. They did it. Despite a lot of pressure, they did it in a peaceful fashion and a responsible fashion and under great difficulty and duress. I believe that as a result, the money that has been provided for Lakeport, I understand, is now appropriate, and the member for St Catharines-Brock and the member for Lincoln and I would be delighted to see the Ministry of Education provide the kind of funding the Lincoln County Board of Education is looking for for Governor Simcoe Secondary School. I know the member for St Catharines-Brock has communicated that through government sources, and I add my support to that in a more

public way, which members of the opposition are allowed to do, I guess.

I was delighted, as you were, Madam Chair and others, to be present when the Premier announced once again that the Ministry of Transportation was being moved to St Catharines and the Ministry of Culture, Tourism and Recreation to Niagara Falls. Even though it was about the fifth time it was announced, I'm still happy to see everybody gathered together with smiles on their faces, because all of us believe, those of us from the peninsula, that again it's important to have the investment of those jobs in a very depressed area.

Whenever, as I've mentioned on many occasions, somebody asks me, "What do you think of this?" I say, "Whenever one government follows through on the promise and commitment of another government, particularly when I agree with that commitment, I am delighted," and although there was a great photograph in the Welland-Port Colborne Tribune, all we had in the St Catharines Standard was the Premier playing the piano, as he does, and the mayor and the Premier. Somehow the photograph of the member for St Catharines-Brock, the member for St Catharines, the member for Niagara Falls and the member for Lincoln did not appear. I don't know how that happened, but I'm sure something happened in the developing room and it didn't appear.

But I think it's important that we keep moving forward with that project, just as I mentioned in the House this afternoon the Jordan Bridge project which is on the books and ready to move. All of us would like to see that accelerated as much as possible. I know Mayor Konkle, who will be meeting tomorrow with representatives of the Transportation ministry, will want to see that happen as well, because we had a very tragic accident last week and we've had some other accidents that have happened along there. Those of us who are from the Niagara Peninsula know that from time to time the traffic is completely tied up and people are rerouted through the town of Lincoln, at great inconvenience to the people of the town of Lincoln and at risk to their safety, and at inconvenience to the drivers.

I also want to speak briefly on the law-and-order issues, perhaps not in the same tone as my friend the member for Leeds-Grenville did this afternoon, but I do want to put on the record again the concerns that the people of the Niagara Peninsula have about crimes that have been committed and the potential for people making money from those crimes.

Of course all of us are disgusted, regardless of what our political affiliation or background happens to be, by the crime cards that are on sale or potentially on sale. I think we have to do everything possible within our jurisdiction and within the law to prevent this from happening. When that is not available, I think the public outcry against them should be sustained so that those who would perpetrate this on us are people who would be looked down upon by our society.

In addition to this, I have been, as have many people in our community, on many occasions in the presence of the family of Kristen French, who was so tragically and brutally murdered some time ago. I will not go into the

details of the case, as it's before the courts, other than to say that I think we owe it to that family and to the friends of Kristen French to do everything we possibly can to avoid those kinds of crimes being committed in the future.

The penalties have to be appropriate. The conditions which breed criminals of that kind have to be changed. That does not come quickly or easily, but we should be focusing on those issues because they're important to people we meet in our daily lives.

It means we have to support our police forces as they fight that crime. To do so is sometimes not easy, because again they're competing with other ministries and other organizations for the dollars that are out there, but I think they deserve the support. Many of them attended, by the way, the funeral of Kristen French, and certainly it was easy to see in their faces and their eyes that they felt very bad about this circumstance and were determined to investigate fully and had the resources to do so.

I also want to say in this House that I hope those who have been affected indirectly are appropriately compensated. I have directed letters to the appropriate authorities within the government indicating my support for, for instance, people who have owned property which has been occupied by people who are suspects. The Attorney General is looking into this matter and I know will give it her full attention and will feel sympathetic towards those who are the innocent victims in this case. I think some progress has been made, and perhaps I'll receive a letter some day saying that the people are fully satisfied with both the short-term and long-term compensation that has been provided.

I saw the Sewell commission here this afternoon and I was pleased to see them here. Some of my colleagues and I don't always agree on everything. I would hope the effect of the Sewell commission report would be that we would see the preservation of agricultural land but, as important, the preservation of farmers in our area as well.

These are difficult times for agriculture. We all know that, but I hope and encourage the government, as do, I know, the members of the Preservation of Agricultural Lands Society, which in their last newsletter said they had a government sympathetic to their needs and to their aspirations. I haven't seen the reason for that optimism over the last three years, but perhaps they believe that to be the case. But I've always been a strong supporter of the preservation of agricultural land and I hope that when we're not in session the government will continue to look at that.

1930

I expressed concern about the increase in non-tax revenue of this government, that is, on charges for various services that the government provides, such as licensing, and say that they hit everybody. It doesn't just hit the rich, it doesn't just hit those who are capable of paying, but it hits people who on an everyday basis have to meet costs when they might be unemployed or on social services. I think of such things as birth certificates and marriage certificates, death certificates, licences to drive vehicles and so on, and it doesn't take into account a person's ability to pay.

I want to make a plea for the government of Ontario, when it's allocating its capital funds, to provide sufficient funding for sewer and water works in the Niagara region, in the individual municipalities and in the region as a whole, so that we can have our sewage treatment plants and water treatment plants working appropriately and providing a service to people in our area. I think that provides jobs. It provides an infrastructure that is useful in the long term and, in addition to that, assists in the improvement of our environment.

Another project that will be coming forth that I would like to say I hope the government of Ontario can participate in is an improvement to the Royal Canadian Henley Regatta course in St Catharines, which may require some work to bring it up to standards for world competition. We would love to see the world competition again in St Catharines, and I hope that the Ontario government will give serious consideration to all representations which are made by the Canadian Henley Rowing Corp, the St Catharines Rowing Club and the rowing community at large for improvements to that watercourse.

I could go on at some length. I am told by my colleagues that they expected I was not going to go beyond 30 minutes.

Mr Steven W. Mahoney (Mississauga West): Keep going till Hans arrives.

Mr Bradley: I am told that I have the opportunity to keep going until one of my colleagues arrives. I want to read into the record a letter to do with graduated licensing, which I in principle support. I've given the letter to the Minister of Transportation. The Minister of Education is very interested in this because the letter is addressed to him, as would be many other people. It reads as follows:

"Dear Mr Cooke:

"On behalf of the more than 65,000 students represented by the Ontario Co-operative Education Association, I'm writing to express the association's concerns regarding the level 1 requirements of the impending graduated licensing legislation.

As you are no doubt aware, cooperative education is a means of teaching and learning which, at the secondary school level, affords students opportunities to have workplace assignments in the community. These assignments, or cooperative education experiences, are offered on a half-day and full-day basis and allow students opportunities to earn credits towards their Ontario secondary diploma.

"Many times, such placements extend well beyond the 'normal' school day and take place from 7 am until 7 pm, and sometimes above these hours. In addition, such cooperative placements extend into the summer months. The point here is that co-op, while a school-sanctioned program, moves school beyond the boundaries of the traditional classroom and extends beyond the time constraints of the traditional 'academic calendar.'

"Cooperative education programs have proven themselves to be a resounding success in helping students to:

"(i) make the successful transition from secondary school to further education and/or work;

"(ii) gain acceptance into limited enrolment programs

at the post-secondary level;

"(iii) make informed career and educational decisions on the basis of firsthand experience and knowledge; and

"(iv) integrate into the Ontario workplace and community.

"The effect of the level 1 requirements of the legislation, as proposed, will impact negatively on the delivery of cooperative education programs in a number of ways, and these are:

"(i) Many students in rural and urban areas use their own vehicles to travel to and from their placements. In rural areas, this occurs because of the vast distances involved and because there is no public transportation system available. Students and parents assume the costs and liability involved in order to be able to participate. This legislation would prohibit such participation. Indeed, Kenora states that 90% of its co-op students use their own vehicles. Clearly, this legislation would have a serious negative impact on the number of students who could be involved in co-op.

"(ii) Given that many students use their own vehicles, transportation costs are minimized for these boards of education. Where public transit does exist, these boards would now have to pay such costs. Where no public transit exists, the boards would have to pay taxi fares for their co-op students or cancel the co-op program altogether.

"(iii) Cooperative education programs are attractive to adolescents and to the thousands of recently arrived immigrant learners. Again, these recent arrivals to Canada would no longer have access to a program which enables them to integrate into Ontario society in a meaningful and productive manner.

"(iv) Many programs, specifically though not uniquely in rural areas, have entire courses designed around a common occupational theme, eg, law. Many of these placements are located long distances from students' schools and their own communities. Driving for these students is a must. To prohibit driving would result in the cancellation of such programs in their entirety.

"It should be pointed out that this legislation would impact not only upon traditional forms of cooperative education but also on other ministry-sponsored programs with an experiential component, such as secondary school workplace apprenticeship programs and regular apprenticeship programs.

"The Ontario Co-operative Education Association wholeheartedly supports the spirit and intent of this legislation. Many of its members are parents and share the government's concerns for the safety and wellbeing of this province's youth. This support notwithstanding, given the aforementioned very real concerns about the negative impact upon cooperative education programs, I would ask your government to consider:

"(i) An exemption vis-à-vis level 1 requirements for any student participating in a bona fide cooperative education program;

"(ii) That such an exemption be year-round to cover summer school programs, but only for the days and duration of the placement as specified on a student's

work education agreement form; and

"(iii) that the hours of exemption be from 7 am to 7 pm only.

"The association acknowledges the tardiness of this response. However, since we were only quite recently apprised of the ministry's granting opportunities for community input regarding this legislation, I would request that you consider favourably these concerns and recommendations.

"In conclusion, the association trusts that the spirit of cooperation which has existed in the past between the Ministry of Transportation and the Ministry of Education and Training will prevail, and that a way will be found through your collective goodwill to respect the intent of the legislation while at the same time preserving a most worthwhile educational program."

"Sincerely yours,

"Gay Kleiber, President,

"The Ontario Co-operative Education Association."

I have received this from Darlene Cuthbert, the co-op coordinator for the Lincoln County Board of Education.

Now I won't have to read this into the record when this bill is discussed for third reading. I hope the government can incorporate this, if not through an amendment to the legislation then through regulation, because I think it would be helpful. I certainly support the contents of this and I commend this to the government.

I'm going to wrap up now. I believe the Progressive Conservative Party has a speaker who wishes to make a contribution, and I look forward to hearing the remarks of that speaker.

The Acting Speaker: Questions or comments to the member for St Catharines? Seeing none, further debate?

Mr David Turnbull (York Mills): My constituents in York Mills are concerned about the direction this government is taking our economy. They're concerned at the fact that this government has consistently tried to find ways of sucking cash out of the taxpayer, the people who are already some of the most heavily taxed people in the whole of North America. We've heard all the excuses that the government has to offer ad nauseam, but the fact is that we are just about the most heavily taxed administration in North America. Certainly of the large economies, of the large states or provinces, we are indeed just about the most heavily taxed province.

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Hon David S. Cooke (Minister of Education and Training): No, no, no, no.

Hon Mr Turnbull: The interesting thing is that when we make this charge, and we've made this charge before, the government always jumps in and says, "No, no, no, that's not true." I hear the present Minister of Education making the usual charge: "That's not true." Well, it's interesting. That's what the major economists are telling us.

Hon Mr Cooke: Add in health insurance premiums.

Mr Turnbull: The Minister of Education says, "Add in health insurance premiums," and indeed that is true. That is a factor that has to be taken into the equation, and indeed that is one of the reasons the automobile com-

panies have considered that Ontario is a reasonably friendly administration. I give that to you.

However, the fact is that overall, the burden on businesses is so worrisome that businesses are concluding they don't want to stay here and they don't want to expand here and new businesses don't want to come here. The last category, the businesses that don't want to come here, is something which, quite frankly, you'll never nail down. If the government asks us, "Give us statistics," it is impossible to give statistics about the people who have decided not to come here. They just simply look at the whole political and economic spectrum and they conclude it isn't a good environment.

This is a government which has been running deficits at some 25% over revenues. Let's just put this in the context of our own households or the small business. How many households or how many businesses could survive for very long were they to spend 25% more than they were taking in? I would suggest to you not very many and certainly not for very long.

What has the government done? Well, the government has spent money in every conceivable area. They make bleating complaints that the federal government hasn't given them adequate transfers. The fact is that the federal government has increased the transfers to this province every year since this government has been in power, at greater than the rate of inflation. The counterbalancing argument the government would make would be to say, "We've got more people on welfare." The fact is that the previous government, the Liberals, increased the amount of payout to people on welfare at a rate that the federal government didn't agree with. They said, "Look, if you do it, you are on your own."

Hon Mr Cooke: So why did they cap Alberta and B.C.?

Mr Turnbull: The fact is that the federal government said Ontario, B.C. and Alberta were the so-called "have" provinces—so-called—and that they weren't going to increase them at a rate which was incompatible with their budget.

Let's face it: Provincial governments and the federal government throughout Canada have been spending more money than they've got. When you look at the basic problem and you cut through all of the political rhetoric and you simply say: "It doesn't matter which political party's in power, you're all spending more than you're taking in," how can you do this?

I don't subscribe to Keynesian economics because Keynesian economics is fundamentally flawed. But in fairness to John Maynard Keynes, the fact is that Keynes at least said that during the good years you put money back to pay for the years that you have primed the pump. I think, quite frankly, all political parties have failed fundamentally in this. Let's not just point the finger at the NDP. All political parties have spent more than they're taking in. We are now reaping those years, the fact that we have no capability to prime the pump.

Let's just look at what this government has seen fit to spend money on. When you start talking in billions, people's eyes glaze over. They don't understand it.

This is a government that spent \$50,000 on creating a new union song. That is really tremendously important to the taxpayers.

They spent \$20,000 to send a group of union activists to a school to teach them humour. I'll tell you the humour: The humour is that we are bankrupt and the government doesn't even realize it. That's the basic problem that we have.

When you spend 25% more than you're taking in, pretty simple math—without doing new math, which I never understand—pretty soon tells you that you are going to spend yourself into such a situation that it's almost irrecoverable. This government has doubled the debt of this province in three years, and I've spoken on this over and over. They belong in the Guinness Book of Records in terms of increasing the debt.

It means that the next government—and it won't be the NDP—will have to try and dig us out of it. That's going to require some pretty drastic measures, and all I would say is that we have to be prepared to take those measures. Anybody who might be crazy enough to be watching the Legislature at this time of night has got to tighten their belt and recognize the fact that it doesn't matter what party is in power, we have to stop spending our children into the poorhouse.

The Acting Speaker: Any questions or comments to the member?

Mr Robert V. Callahan (Brampton South): Just a quick one I want to make in terms of spending the future of our children. I've just been distributing a letter around this Legislature in terms of putting a new drug for schizophrenics on the formulary. There's a place where we could spend dollars wisely and save money down the line in terms of Corrections, Health, Community and Social Services.

So in the spirit of Christmas, I urge you, when you're talking to your colleagues, to think about that. Let's start spending the dollars wisely, and even if we have deficits, they'll be spent in the proper way.

The Acting Speaker: Are there any other questions or comments? Seeing none, the member for York Mills has two minutes if he wishes.

Mr Turnbull: My colleague suggests that we should spend more by adding a drug to the formulary. Quite frankly, I don't have the specialized knowledge to know whether that's appropriate. I suspect it is appropriate. Many of the cutbacks that this government is making in terms of not listing drugs on the formulary and delisting drugs probably in the long term will cost us more in terms of the cost to society and all of the costs associated with that in terms of housing people and the correctional facilities.

But the fundamental message I gave is that we cannot continue to spend our children's money and our grandchildren's money, and the sooner all political parties wake up to this and start talking about how they can cut the cost of government, the better we will be served, the better the taxpayers will be served and the sooner we'll be able to create meaningful jobs for our children which will ensure that they will have the prosperous future in

this great province that we've had. That is the most important thing, because we want to make sure that our children have the same opportunities that we've enjoyed.

The Acting Speaker: Further debate? Seeing none, would the Attorney General wish to make any closing comments?

Hon Mrs Boyd: No, Madam Speaker.

The Acting Speaker: Mrs Boyd, on behalf of Mr Laughren, has moved second reading of Bill 140. Is it the pleasure of the House that the motion carry? Carried.

Hon Mrs Boyd: On behalf of the Minister of Finance, I move third reading of the supply bill.

The Acting Speaker: Do we have agreement to pursue third reading? Agreed.

Mrs Boyd, on behalf of Mr Laughren, has moved third reading of the supply bill, Bill 140. Would you care to make any comments?

Further debate? Seeing none, is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

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HIGHWAY TRAFFIC AMENDMENT ACT (DIMENSIONS AND WEIGHT), 1993

LOI DE 1993 MODIFIANT LE CODE DE LA ROUTE (DIMENSIONS ET POIDS)

Mrs Boyd, on behalf of Mr Pouliot, moved third reading of Bill 74, An Act to amend the Highway Traffic Act / Projet de loi 74, Loi modifiant le Code de la route.

The Acting Speaker (Ms Margaret H. Harrington): Would you care to make any opening comments? Further debate?

Mr Hans Daigeler (Nepean): Frankly, I'm surprised that the minister is not here. Both of us stayed yesterday till midnight, and last week I think we stayed till midnight and we didn't make it. I thought perhaps he'd stay around or give his parliamentary assistant an opportunity to speak, because frankly he spoke quite well in the committee. I think he did a good job.

Oh, there he is; there is the minister. I'm glad to see that the minister's still here and that at least those who are interested in transportation are staying around before we recess, because both of the bills that we're discussing still are important ones. One, Bill 74, allows longer trucks, not monster trucks, as both the government party and the third party used to say when the Liberal Minister of Transportation first proposed this. But, as they say, that was then and now is now.

On that matter, as I said on second reading, I would agree that better late than never, that both the government and the third party realized that this is a measure that is important for the trucking industry itself and, by implication, for the industry at large in this province. Because of that, we support it. I have been supporting it strongly since I've become critic for Transportation for my party.

I should say that I appreciate that the minister did agree to accept the amendment I put forward allowing as well longer motorcoaches, because the tourism industry and the motorcoach industry have made very forceful

representation to us that Ontario is losing a lot of money because of the inability of some of the motorcoach operators to compete on the same basis as some of the American operators.

I do say that it doesn't happen too often that the government accepts amendments, certainly not on the floor of the House, but in this case the minister did. I thank him for this and we appreciate it.

In the spirit of Christmas, this is all I did want to say, since we have been asked to be rather short in our comments. We have spoken, and I have spoken, at some length at second reading and at earlier times, and again I do think this is a measure whose time has come. If anybody is interested in the more detailed reasoning behind this, obviously the information is available, from myself, the third party or the government. We'd be pleased to provide the details as to why this measure is taken and what the benefit of this measure is for the people of Ontario.

Mr David Turnbull (York Mills): This is a bill which the government should have basically enacted within its first year of office. We do not enjoy a level playing field because in fact—I've got some important communication coming in here; like most Liberal comments, I'll file it in the appropriate drawer—the truck lengths in Ontario are not the same as Quebec, western Canada or the US interstate system. We desperately need to do this. This is the right measure. It's three years too late.

The only caveat I have is that in second reading debate I challenged the minister. I take him at his word and I will certainly hold him to his word that indeed the legislation as drafted will allow the ministry the flexibility under the regulations to allow the longer buses—in fact, we've had an amendment to that effect—and also that the overhang of the auto transporters where they load on automobiles on to truck transporters will allow the three-foot overhang in the front and four-foot overhang in the rear which is allowed in the US, which would still be within the confines of the total limitation of the length within this bill.

The minister has commented that he will consult on this overhang with the group of people he consulted with, which was indeed fairly large, including the trucking industry and various other interest groups: the Hamilton Automobile Club, the CAA and so forth.

We urge the government to treat that as a matter of urgency, to consult with these people, so that we can achieve 10 automobiles per truck so that the automobile transportation in this province will be on a competitive basis with the US, because indeed Ontario does have a competitive advantage against some of the US auto makers and a lot of the automobiles that are produced in Ontario are shipped to the US. Those which are shipped to the southern part of the US are shipped by train; those which are shipped to the northern states are shipped predominantly by truck. In order that we can assure these Canadian companies a profitable operation, they need to be able to ship 10 automobiles, not the nine that they're currently transporting.

I take the minister's assurance that this is within the

purview of the regulations for him to achieve and I hope, in wrapping up, that the minister will assure us of such.

Hon Gilles Pouliot (Minister of Transportation): I welcome the opportunity to offer closing debate, closing comments in this case, and they shall be brief, for all has been said about this economic initiative.

Simply put, it's a benefit for the industry. It also benefits the public, all Ontarians. It renders us more competitive, to the tune of in excess of \$100 million a year. It's no less than one important step in the economic recovery of Ontario. In terms of numbers, shippers and manufacturers are looking at \$100 million in benefit. Bill 74 is simply an economic initiative. You've heard our government talk at great length vis-à-vis safety. Bill 74 does not compromise safety. Quite the contrary, it enhances safety by virtue of the components of the regulations associated with longer trucks and buses.

I wish to thank members, my colleagues of course, people at MTO, certainly not least nor last the official opposition and members of the third party. This is an initiative where we worked together. Bill 74's time has come, its time is now, and I look forward to having third reading, royal assent, and then let the marketplace take over. Thank you kindly.

The Acting Speaker: Mrs Boyd, on behalf of Mr Pouliot, has moved third reading of Bill 74, An Act to amend the Highway Traffic Act. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

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HIGHWAY TRAFFIC AMENDMENT ACT (NOVICE DRIVERS), 1993

LOI DE 1993 MODIFIANT LE CODE DE LA ROUTE (CONDUCTEURS DÉBUTANTS)

Mr Pouliot moved third reading of the following bill:

Bill 122, An Act to amend the Highway Traffic Act / Projet de loi 122, Loi modifiant le Code de la route.

The Acting Speaker (Ms Margaret H. Harrington): Minister, would you wish to make a brief comment?

Hon Gilles Pouliot (Minister of Transportation): They shall be brief indeed. There's been vast consultation in all corners of all special parts of Ontario. This is more than two years in the making. Its vision is to make Ontario roads again, one more time, the safest in North America. Young and new drivers represent 15% of the overall driving population and yet they're now 32% of fatalities. They're way overrepresented, twice the average indeed.

We had to do something. It's our vision. It relates to safety. It puts more of an obligation, not a reverse onus but more of a focus, on the people who are entering the system. It respects the right of people to access the privilege of driving the roads of Ontario.

One more time I wish to thank members of the opposition for reminding themselves that this is cause for celebration in the collective. Everybody benefits by Bill 122, graduated drivers' licences, long awaited indeed in a neighbourhood, at a driving school, in a driveway near you in the spring of 1994.

I feel so proud to have been associated with this initiative. At Transportation it is a flagship indeed. A good day today.

Mr David Turnbull (York Mills): I've heard this speech used so often, in all kinds of contexts, that all I can say is that I'm so disappointed that the minister didn't mention this must be win, win, win. I would maybe ask the minister to correct the record.

Mr Steven Offer (Mississauga North): I'd like, in the short time allotted on this bill, to put a few comments on the record. With this bill I think there is and has always been general approval for its passage. It's interesting that, as one went on in the discussion around the bill, there were so many groups and associations that were taking credit for the bill itself, for the principle of the bill and for its creation, its initial idea.

The interesting thing is that, though this bill has had a great deal of approval from many quarters throughout the province, it also in a strange way underlines the weakness of our system. The weakness is that there weren't public hearings on this bill. I think we should recognize, as we speak in support of the legislation, that we missed a great opportunity, and that is an opportunity to have public hearings where we could ask young people, kids who are 13, 14, 15 and 16 years old, to come before a legislative committee to share with us their thoughts on this particular piece.

I say that because I've had the opportunity of speaking at some schools in my riding. I've spoken at a high school in Streetsville, I've spoken at John Fraser high school in my riding, and it was wonderful to hear the reaction of 14- and 15-year-olds to this piece of legislation. They understood this legislation, they saw what it was designed to achieve and they saw the weaknesses in the legislation. There were some very refreshing thoughts and comments on a piece of legislation which will, without question, affect them.

As we speak in support of the legislation, we must also recognize that we have unwittingly missed a great opportunity, an opportunity to use our legislative process and our committee process to send out a message to the young people in this province that they could have taken part, that we could have listened, that they do have important opinions on a piece of legislation which will primarily affect them.

This legislation would have really sent out a second message, not only about the safety on the roads and the two-tier system of driving and the actual makeup of the legislation but, to a whole bunch of young people in this province, one that says that in our legislative process they have a role to play, a place to play, an opportunity to be heard, comments that are important.

I would imagine a number of other members in the Legislature spoke and took this bill to different high schools in their areas and also had that experience. It is unfortunate that we couldn't have in a more formal way embraced the vibrancy, the honesty, the care and the commitment of our young people, who really did want to speak about this legislation and who unfortunately were not able to.

But I am in favour of the legislation, I'm in favour of its direction, I'm in favour of what I believe it attempts to do and will, I hope, achieve. For that, I just wanted to put a few words on record on this bill.

Mr Robert V. Callahan (Brampton South): As my colleague has said, we're in favour of this in terms of its safety, but I still have to bring to the minister's attention the fact that under the statutory conditions of the Insurance Act, if you take a scenario where a young driver is 10 minutes after the magical hour of 12 and, through no fault of his own, winds up in a serious accident, there will be no coverage for the car he's driving.

If there's a serious injury which reaches the threshold under the present insurance legislation whereby \$1 million or whatever is paid out, the insurance company will be required to pay that amount to the injured party, but it can turn around and it can sue the person whose car was being driven at the time.

I think the public of this province should be aware of that, that the insurance industry is really getting a gift under this proposal. There should be built into the legislation an exception that if a person could demonstrate that he is driving outside the parameters of the graduated licence through no fault of his own, any damages or injuries that occur would have to be paid for by the insurance companies. I don't believe the insurance companies should get a free lunch, and that's precisely what you're giving them.

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As I say, I support the principle of the bill, but there's a very serious flaw in this bill in terms of the fact that a person could be off coverage through no fault of their own and wind up without any recovery for their property damage, or perhaps being sued by an insurer who pays out a large sum of money on a threshold application. I'm sure, Minister, you don't expect that.

I've read the Hansards from the committee reports and apparently the insurance companies took the position that if they're off coverage, it's the same as if they're off coverage for anything: driving under suspension, driving while impaired. I suggest that's not the case at all. Young people may very well find themselves on a 400 highway not because they want to be there but because they have to be there, or changing a tire or whatever other reason, and I suggest there should be an exception to that type of situation. So I urge you to do that.

The Acting Speaker: Further questions and comments?

Mr Turnbull: I wasn't going to comment at all, but I just simply couldn't resist the urge to comment to the member for Brampton South that he's obviously addressing his comments to the next bill that we're going to be handling and not the longer truck legislation.

Mr Callahan: I appreciate it, because I will apply it to the next bill. I thought this was graduated licences.

Interjection.

Mr Callahan: The member is wrong. This is the graduated licences bill.

The Acting Speaker: Further comments and questions on the speech by the member for Mississauga North? The

member for Mississauga North has two minutes to respond.

Mr Offer: I'm not going to use the two minutes, but I do want to put on record my thanks to the young people in my riding who did take the time to share their thoughts with me, especially the students at Streetsville Secondary School and John Fraser, who had the time really to share opinions on a piece of legislation that is going to affect them. For that, as the MPP for Mississauga North, I feel quite confident in voting in support of this legislation.

The Acting Speaker: Further debate on the third reading of Bill 122?

Mr Turnbull: Madam Speaker, I do correct the record. I didn't hear that we'd moved over to Bill 122. This is one of the troubles. What happens towards the end of the session is that all of these bills are pressed through so we make sure we get out on time. Anybody watching this has really got to wonder about the situation as to how we pass laws in this province.

When we talk to Bill 122, graduated licensing is something that we are only going to get implemented in the spring of 1994. We should have had it two years ago. It's legislation which is good. It's ironic, as I've stated on many occasions before, that the government has been so slow in implementing graduated licensing, yet indeed it has pushed through photo-radar in a matter of weeks, because that's a cash grab. We need this legislation. I have been convinced that in fact graduated licences are appropriate.

In response to the comments that were made by Mr Callahan, the member for Brampton South, just to explain how this works in case you haven't read the bill, if somebody is out after midnight and their car breaks down, and then they have to repair it and it takes them past midnight, if they're in level 1, then quite simply the accompanying driver can drive the car home. So they don't have to risk their licence or their insurance. In the case of the people who are in level 2, there is no restriction on them driving beyond midnight, so that comment is not terribly valid.

The overwhelming number of people in Ontario are in favour of this. In CTV's National Driving Test, of the 31,000 respondents by telephone to their questions, they overwhelmingly said that they wanted to see tougher regulations. In fact the suggestion was that the government's regulations weren't tough enough, although I have been persuaded by the very professional staff at the Ministry of Transportation that anything of a tougher nature would be detrimental to getting acceptance throughout the province, and I bow to that.

We have made an improvement to this legislation in the sense that we're only going to allow one driver in the front seat, which will be the accompanying driver in level 1, and that's a move in the right direction. Anything we can do to improve road safety is good, which is different from the legislation the government has brought forward with respect to photo-radar, which is purely a cash grab, and the government has failed to demonstrate it is not a cash grab by the fact that it has adamantly refused to dedicate those funds to road safety.

They have also refused to allow that there would be wording inserted in the photo-radar bill to say that this would be strictly a six-month test and that it would end at the end of that six months and that it would be reviewed by committee. They've studiously ignored that. They've also studiously ignored the suggestion my party has made that we allow a deposition about who the driver of the vehicle was so the ticket could be directed to the driver as opposed to the owner of the vehicle.

But that's not unusual, because this government is more intent on revenue generation than on safety. It's unfortunate. But this particular bill, Bill 122, is a good measure and we applaud it. Let's get on, get it implemented. Why do we have to wait till the spring?

Mr Hans Daigeler (Nepean): I will have to take a little bit more time than on the previous bill. The previous bill was the longer truck bill and this one is the graduated licences, just to make sure we all know what we're talking about.

On the previous bill, the minister did accept two of my amendments which were rather significant. I did move some amendments on this bill as well, and unfortunately the minister did not see fit to accept those amendments. I do want to say what these amendments were. They were quite serious.

The one was to make it easier for the rural people and people in northern Ontario to get into the driving experience as younger people. Right now, if you're in level 1—that's the first eight or 12 months, depending on whether you have driver education—you have to have an accompanying driver who has at least four years' driving experience.

My amendment, the amendment of my party, would have reduced that requirement to two years, or essentially, once you are fully licensed, you can be an accompanying driver. We feel this would have helped the acceptance of this measure in the rural areas and in the north. Unfortunately, the minister did not agree to accept this amendment.

Also, since we would have reduced, as it were, the age where you can be an accompanying driver, the second amendment I made was of even greater importance if that first amendment had been accepted. That second amendment was to have only zero blood alcohol for the accompanying driver. Right now, the accompanying driver can have 0.05% alcohol in his blood, even though—and that must be stressed—the driver himself must be zero blood alcohol, no alcohol whatsoever. In any case, that too the minister did not accept, and I regret that because this is going to make it more difficult in the rural areas.

I should say to the minister that while I certainly support the bill, it is going to be difficult to be accepted across the province. Once I think the implications of this bill become known, it won't be quite as smooth as perhaps the minister is expecting. Certainly in terms of all the new tests that have to be established, it will take some time until this system is fully operational, and I frankly fully expect some difficulties and some problems that are going to be experienced. But I think with the reasonable approach that at least the ministry officials have shown so far in terms of enforcement and so on, we

should be able to overcome those difficulties.

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I should say that I did receive today, somewhat belatedly, several faxes, at least 10 or 15, from various cooperative schools and they were asking for an exemption for their students.

Interjection.

Mr Daigeler: The minister is saying I should wrap up. I think, in respect to those people who have faxed me their letters, I should say that we're taking their comments seriously but unfortunately they are coming a bit late. We are already on third reading. There are no longer any amendments acceptable at third reading.

But I do want to say to those people who have faxed their concerns to me that, yes, that matter actually came up during the hearings we had in the summer. They weren't hearings on a bill but they were hearings on a plan that the minister had. During those hearings we did reflect on whether there should be any type of exemption. Frankly, the agreement of all those who were involved and who came before the committee was that it was simply too complicated to administer exemptions and that, rather, we were trying to make the system workable on its own without the need for any kinds of exemptions.

The final and fourth point that I want to make I think the member for Brampton South raised today and he already raised it last week. The minister, if he had given a proper answer at that time, could have avoided a lot of the concerns and the frustrations experienced by the member for Brampton South, because I think the minister at the time did not understand at all what the legitimate concern was of the member for Brampton South. His concern was, are the people going to be covered by insurance if they do not meet some of the conditions of the graduated licences program?

I asked that very question last summer, both of the ministry officials and of representatives of the insurance industry, because I did think and I certainly agree with the member for Brampton South that this is a very important question. The public must know about it and must know exactly what they're covered for and what they're not covered for.

I asked that question and I am on record as having received a pretty full and complete and in my opinion satisfactory answer from the ministry officials. Mr Hughes, by the way, did an excellent job, I think, in representing the interests of the ministry. On behalf of my party, I also want to thank him and his officials, who have been working on this for a long time, including when we were in government. So I want to say thank you to Mr Hughes for the work that he has done.

Both he and the representatives of the insurance industry said the following, and I just do want to quote this, Madam Speaker; it will not be too long. I think this could potentially be very important for some of the people who are covered or not covered by the insurance.

Here's what the insurance industry answered to my question as to when people are covered and when they're not covered. Mr Griffin said, on behalf of the insurance industry:

"Let me answer that by first starting by explaining the current situation, which is spelled out by statute," meaning by law. "Basically, it says that if a car is driven without legal authorization, it says if you're not authorized to drive by law, then there is no coverage for the collision portion of the policy. Obviously the accident benefits and the liability coverage apply. It puts the onus on the owner of the vehicle. You have to remember that the insurance is on the vehicle. It puts the onus on the owner of the vehicle to make sure that the people he or she is allowing to drive their vehicle have the proper licence."

He went on to explain a little bit further, but I'm skipping that. Then he also talks about "The statutory exclusion in the current policies," and that applies to all drivers, whether you are a new driver in the graduated licences program or you have quite a bit of experience. If you are not following the rules, if you are outside the legal conditions for driving a vehicle, you are not covered for that part. However, and here again the insurance industry is speaking, "You cannot exclude anyone from their coverage for their accident benefits, which covers their injury, their medical costs. If you personally are injured, there would be coverage. If, however, you are in a vehicle for which you're not licensed or you're not authorized, you don't have a licence or your licence has lapsed or been suspended and you do damage to the vehicle, there is no coverage for damage to the vehicle."

That's an important clarification that I wanted to repeat in this House, because that was essentially the member for Brampton South's question last week. I guess the minister failed to fully either hear or understand the question, but that's the answer that perhaps he should have given at the time. I want to put that on the record again for anyone who may be unclear as to what the insurance coverage is and what it is not. That kind of regulation applies, as I said, not just to people who are in the graduated licence system but to all drivers across the province.

With these comments, I do want to conclude my remarks and indicate again that way back in 1989 I already was on record as calling for this type of system. Certainly the Liberal Transportation minister of the time, Mr Wrye, was working already on bringing a similar kind of initiative into being. It has taken almost four years to bring it about, but as I said on the previous bill, better late than never.

I do support this particular initiative and I thank both the member for Mississauga North and the member for Renfrew North, who were with me on what we might call pre-hearings over the summer. Both of them were very active in their questions to those who came before us. I want to thank both of my Liberal colleagues for their work also in committee after the hearings were completed.

With those comments, I thank you, Madam Speaker.

Mr James J. Bradley (St Catharines): I'm going to be very, very brief. Because the minister didn't have a chance to be present for every possible second of my address earlier, I wanted to commend to him a letter which I provided to him earlier in the day, and I know he

will read the transcript of the supply bill speech very carefully. This is a copy of a letter I received addressed to David Cooke, Minister of Education and Training, from the president of the Ontario Co-operative Education Association, and from Darlene Cuthbert, who is the coordinator for the Lincoln County Board of Education. I simply request that the minister give this consideration. I don't think at this stage, since we're in third reading, we can put an amendment in, but perhaps by regulation or by whatever method I urge the government to give serious consideration to the implementation of the request found in the letter from this association.

Mr Ron Eddy (Brant-Haldimand): I'm very concerned about the restrictions and constrictions of this House. Each speaker who gets up says it's impossible to change the bill at third reading. Is that correct? Is this not a democratic House? If there's something important that the minister is convinced should be changed, could we not change it? In a democratic House, why is it not possible?

2030

The Acting Speaker (Mrs Margaret Marland): Further questions and comments? Further debate? Would the honourable minister like to make his closing comments on third reading of Bill 122? The minister has no further comments.

The House is now dealing with third reading of Bill 122, which has been moved by the minister. All in favour of Bill 122, third reading? Shall the motion carry? Carried.

Be it resolved that the bill now do pass and be entitled as in the motion.

COUNTY OF SIMCOE ACT, 1993

LOI DE 1993 SUR LE COMTÉ DE SIMCOE

Mr Hayes, on behalf of Mr Philip, moved third reading of Bill 51, An Act respecting the Restructuring of the County of Simcoe / Projet de loi 51, Loi concernant la restructuration du comté de Simcoe.

Mr Pat Hayes (Essex-Kent): I'm pleased to introduce Bill 51 for third reading. Bill 51, the County of Simcoe Act, 1993, will restructure municipal government in Simcoe county.

Bill 51 is a direct response to what the people of Simcoe county want. This is a local county study directed and endorsed by county council.

The county will now assume a policy-setting and coordinating role in strategic planning, economic development, land use planning and emergency planning. These changes will help the county function more efficiently in these difficult economic times.

We received input from several parties during the committee hearings that were held around the county this summer. As a result of the input received, the committee endorsed several amendments resolving a number of local concerns.

This bill will help make local government in Simcoe county more efficient and effective. It will reduce the number of municipalities and the number of county councillors in Simcoe, improving accountability and reducing costs. The county has begun the implementation

process and the province has provided financial assistance to ensure a smooth transition for Simcoe county residents and municipalities.

I might add that I was very pleased, and I'd like to thank all the members from all three parties for their cooperation through this process. As a matter of fact, during clause-by-clause, all the amendments from the government were unanimously passed. I'm very pleased to say that the opposition really didn't have any amendments and that they supported this bill. I appreciate their support. Thank you very much.

The Acting Speaker (Mrs Margaret Marland): Mr Hayes, the member for Essex-Kent, the parliamentary assistant, has moved third reading of Bill 51. Are there any questions or comments? Further debate?

Mr Ron Eddy (Brant-Haldimand): Realizing of course that this is third reading and it's not possible to change a word in the bill no matter how urgent or desirable that may seem, we will proceed. I just have a few comments.

I would open by saying, are major changes required to the county of Simcoe, and if changes are required, how should they be made? The answer to that simply is, that's not for me to decide. It's simply that the council of the county of Simcoe has decided to make some changes and I must recognize that, and indeed we've seen it.

What a wonderful evening this is that a bill comes forward to this House that has been initiated locally and the government has seen fit to proceed with it. It's so different from the days when the regional government bills were proposed and restructuring was imposed on municipalities. In some cases, of course, that was a good thing and required and we have to recognize that, but the great shortcoming was that there was not enough local input to maintain community of interest. After all, what is a municipality? It's a community. What is a community? It's people. And what are people? They're you and I and our friends and relatives, and I think we all have an interest, or should have, in our municipal governments, and we're interested in the places we live and we want them to be the very best.

In this case, we realize that the changes are locally initiated, and that's certainly a good thing. The province of course can do anything it wishes with the municipalities. It can erect or establish municipalities. It can dissolve municipalities in the middle of the term of the elected council. Look at the town of Westminster in the county of Middlesex: dissolved in the middle of the term of the elected council with absolutely no chance of protest or review by the local people, and that's most unfortunate. That was one of the saddest days in municipal history when that happened, because it could have and should have worked out so differently.

There are many good things about this bill, and I'm pleased to support the changes, locally initiated. The elected head of every local municipality will now be the mayor. The county of Simcoe, which is the largest county in Ontario and deserves much more time than we're prepared to give it in this House—and indeed we should do that. There was no debate, Madam Speaker, as you know, at second reading on this bill at all, so we had no

opportunity whatsoever to voice any opinion. That's most unfortunate. The elected head of every local municipality in the county of Simcoe will be a mayor, and of course it joins the ranks of the restructured county of Oxford and Lambton county, and that's a good thing.

This does not embody the ingredients of establishing a regional government. There are four main ingredients of regional government. The first is to restructure the local municipalities, the second is to reallocate the services from the local to the upper tier, and the third is to change everything the next day when regional government is established, change everything, all systems. We're not seeing that in Simcoe county, and I want to take this opportunity to acknowledge the foresight and the progress that was made by the members of Simcoe county council in coming forth with the changes they have proposed and that are embodied in this bill. The other item is to reallocate the services from the local to the upper tier, and I note that in this case planning is the only service mentioned.

What we have here are restructured local municipalities with a very strong base, in most cases, with the services for the most part left at the local level, and I think it's an excellent step. I wish them well.

Oh, an important feature I didn't mention was the fact that at this point in time, the presently elected members of council will not be evicted from office but will be allowed to work together, in the case of joint municipalities, to prepare for the new term of office at the end of this year.

I thank the members of those municipal councils and county council who have worked so hard to bring forth the ingredients of this bill and wish them well in this step of progress in the great county of Simcoe.

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I'm most anxious to hear from all the members who are in this House representing the county of Simcoe. I believe there are four members who serve Simcoe county, and I'm very anxious to hear their viewpoints on this bill. Thank you for this opportunity.

The Acting Speaker: Questions and comments on Mr Eddy's debate?

Mr Norman W. Sterling (Carleton): The parliamentary assistant left the impression with the House that everything was agreed upon during committee. The fact is that during committee there were certain amendments proposed by the member for Simcoe East, who I think will be our next speaker. I want to tell you that the member for Simcoe East, who has been a successful politician since 1981 in this House, proposed some very reasonable amendments which were turned down by the government of the day. Therefore, I think it's incorrect to portray the committee hearings as being that everything was agreed to in total. I think the member for Simcoe East understands the county of Simcoe best and he understands this bill best, and therefore it's unfortunate that the government did not listen to his reasoned amendments and support them in the committee.

I want to add that the member for Simcoe West as well proposed amendments which were not accepted by this

government. Both of those members are going to speak shortly on this bill. It's unfortunate that when we get into situations like this, the government doesn't listen to the MPPs who represent that area and who know best. I really am looking forward to the remarks of both the member for Simcoe East and the member for Simcoe West on this particular piece of legislation.

The Acting Speaker: Further questions and comments? Does the member for Brant-Haldimand wish to use the two minutes for response?

Mr Eddy: I certainly appreciate the comments of the member for Carleton. He's quite correct in what he said. Once again, even though everyone might agree that there's a change that would be appropriate and indeed advantageous, we're prevented from doing that. That's unfortunate.

But I would hope the government would have the good sense and courtesy to follow the progress in the changes in Simcoe county, and if there are some amendments that should be made I hope the government would recognize that and indeed make changes.

Of course there's no need for us to be here debating this bill. If we changed the Municipal Act and allowed the counties to restructure themselves, then we wouldn't be here. It is simply—I should say the word “simply.” It is a restructuring of local municipalities. It is not a major governmental change, other than some amalgamations. I think that's the way it should be.

Mr Allan K. McLean (Simcoe East): The time is certainly long overdue when this Legislature has the opportunity to debate Bill 51, the County of Simcoe Act. There's been a process that has gone on for some years. The process started back in 1988 when—and I remember that time; I was a member of this House—they wanted to reform county government.

At that time there was the Tatham report, and they travelled the province, travelled to many areas. Mr Tatham was a member from Oxford, I believe, whose county at that time was restructured back from a city, I believe Woodstock, and that was encompassed within the municipalities. That seemed to work well for that area. Mr Tatham was warden, I understand, for about two terms.

But don't forget: Mr Tatham, an individual, worked with eight members of the Legislature, and it so happens that those eight members were all from one political party. They tried to indicate that this was a committee of the Legislature, which it really wasn't at all. It was a committee of eight Liberals who travelled the province to try to restructure county government.

Well, two years after that report was done, the minister announced that eight municipalities in south Simcoe would be amalgamated into three larger ones. The study committee considering the restructuring of north Simcoe consisted of ministry staff and only a few elected representatives from the municipalities whose future is being considered. That amounted to the virtual disenfranchisement of the residents of those municipalities under consideration. That was some time after that Tatham report was done and the bottom end of the

county of Simcoe was looked at.

I remember when the ministry staff arranged a meeting for the city of Barrie and the city of Orillia to meet at Molson's reception area on the highway just out of Barrie, at which the ministry indicated to the two cities that it was going to restructure the other part of the county and wanted the two cities to be part of that restructuring.

I was at that meeting and saw what happened and observed what was taking place. I had indicated in many of my remarks how flawed I thought the system was in terms of being driven from the ministry. A lot of people said that was not the case, but from what I observed it appears to have been the case.

The committee was set up of county council, representation on which was mostly from the south part of the county, which had already been restructured. So we had votes from the south outweighing and dictating what should happen in the north. There were two members plus the warden who were from the new area that they wanted to restructure.

I have never been opposed to county restructuring, but I certainly have been opposed to the process. I said at the time, after the south part of the county was restructured: "There should be a five-year moratorium on north Simcoe. Let's see how it works in the south part of the county. Let's see how the members there can deal with the planning of what's needed."

The real problem was that when they wanted to restructure the county, there should have been a plan done of what they thought should happen. There was no planning, no land use planning. The county never had a plan. How can you determine where the boundaries are going to be when you never had a plan?

It wasn't long after the committee was formed, and three representatives from the city of Barrie and two representatives from the city of Orillia were part of this committee, that it was travelling the north end of the county to determine how restructuring should take place. The terms of reference were that they were to look at the feasibility of doing some restructuring in the north end of the county. But it was within a month that they came out with drawings and lines of where they felt the municipality should be.

In the 1990 election I spoke many times, and there wasn't a speech I made in which I didn't bring to the people's attention what was taking place.

I for one have seen what Darcy McKeough did with regard to regional government. Our county was strongly opposed to any further regional government. You can talk to the member for Muskoka-Georgian Bay about how he feels about regional government. You can talk to anyone who has been involved with regard to Durham, York. You can talk to any region, and you know what's happened.

2050

I have been opposed to regional government for a long time, but I can tell you, Madam Speaker, that I have never been opposed to looking at restructuring from a commonsense point of view, from a planning point of

view that would be better for the county.

When I look at what has happened in our county, the hearings that were held, the times that I attended county council and spoke—not overwhelmingly receptive because I was not on their agenda—I don't understand and some members of county council don't understand why there was so much pressure for all this county restructuring. The ones from the south end of the county felt that the north end should be restructured because they were, and that was forced on them by the previous administration by law. There was no choice for them.

Interjection: No debate.

Mr McLean: No debate, and they did it. I have said on many occasions that there's got to be debate and there's got to be questions asked.

There have been boundary changes that some municipalities did not agree to. Most of them agreed but there were some that did not. When I look at some of the debates that we had during the hearings—Mr Hayes says, "I'm not surprised that Mr McLean's not surprised because I mentioned right from the beginning to some of the first people who came forward that when people talked about having a boundary change, the agreement the county had made was that the municipalities affected would have to agree." That's what Mr Hayes said.

Mr Hayes, I'm here to tell you that the township of Orillia never, ever did agree to the boundary that was placed upon it by the county council. Now what do you say about that?

There are some other municipalities that feel that they have been in the same position. I know what the township of Tiny has gone through and I'd indicated very strongly that the township of Tiny would have to come to an agreement with the town of Midland before—and I would fight drastically for that township to be able to have its say with regard to the boundary and the amount of assessment that it was losing.

When we look at the overall picture of county restructuring—and some of the people who will be listening tonight will be saying, "Well, that's maybe not the way we saw it," but there were votes on county council that said, "Yes, we want county restructuring." I have to say to you that probably that was because there are a lot of the people from the south end of the county, which had the most population or most votes, who said that they are going to have county restructuring, and most of the people on the county restructuring committee were from the county.

But when I look at what happened in the election of 1991—and we have a sample of the referendums that were held: Orillia township voted 91% against restructuring; Rama township voted 75% against restructuring; Tiny township voted 92% against restructuring; Sunnidale township voted 95% against restructuring; the village of Elmvale voted 85% against restructuring.

There are some people out there who are listening tonight who are criticizing me for my stand with regard to county restructuring. I have to say to those people that I will be with the majority of the people in those municipalities who are telling us what they want. Isn't that

democracy, listening to the people?

I have to say that when I read these statistics of the votes that have been held and after that referendum county still proceeded, I believe 43 to 27, to continue with county restructuring—those people who I say are criticizing me in my stand, the next election you should go to the door and say, “I’m the candidate who is in favour of county restructuring.” Say that. Tell the people that’s what you want. Don’t say that you don’t.

In the Eight Mile Point area there are people who went out and got 600 signatures on a petition opposing the boundary change that was made there without the approval of the township of Orillia. What say do those 600 signatures have, what weight did they have, with regard to county restructuring? Who is speaking for those people who put their name on the line and who want to be heard? I say somebody has got to speak for those people.

I can tell you that the municipalities that have tried to make an agreement to make some changes—we have with us tonight Gary Thiess and the former reeve of the township, Jack Fountain, who has followed this county restructuring through from start to finish. I know Gary has even met with the Premier. He said he’s pressed all the buttons, but I said, “Gary, there really wasn’t anything on the other side of those buttons when it gets right down to it,” because you can see what’s happening. You can see that this bill is going to have third reading tonight. At about midnight we’ll probably have the Lieutenant Governor here to determine what’s going to happen.

There are some other interesting events that happened in 1991, but they also happened in 1990 when we were dealing with an election. The member for Simcoe Centre said, “I would see the proposed restructuring of Simcoe county scrapped. We don’t need to become a northern Mississauga. Having Barrie and other urban areas melded with rural municipalities invites too rapid development and obvious loss of farm land and the rural way of life and higher costs for the diminishing services,” said Paul Wessinger. Well, what happened? He’s voted for the county bill. He’s voted to take the rights of the people away. That’s right.

Interjections.

The Acting Speaker: Order.

Mr McLean: Well, I’ve got to tell you further, Madam Speaker—Paul will have his two minutes, there’s no doubt about that—that the process has been flawed from the start. That has been my greatest theme all the way through this.

The county needs to be looked at. I understand that. But don’t we do some planning before we make some boundary changes? Don’t we do some planning? No. This was driven from the ministry, and if anybody thinks there’s any different from that, I beg to differ with them, because it was driven by the ministry.

The county committee had terms of reference, and it had the cities that were sitting on that committee. Do you know what happened halfway through? The county council said to the two cities: “We don’t accept what you’re telling us. We want you off the committee.”

That’s exactly what happened. The representatives from the city of Barrie and the city of Orillia were no longer on the county committee. Well, I guess the city of Barrie and the city of Orillia are within the county of Simcoe, and I would’ve thought that some planning would’ve indicated how they would’ve been part of the overall county. That didn’t happen.

On July 23, 1991, the county approved the study. But it wasn’t until June 14, 1993, that it received first reading. It’s all this year—August 3, second reading—and tonight it’s going to be the third reading.

The county, I say, has had some concerns with regard to county restructuring. We’ve had some municipalities that amalgamated and are not overly enthused about it. But I’ve got to say it is proceeding. I can assure them tonight it’ll be law within a few hours. County will be, as of January 1, 1994, a new day.

But the voters said no in about eight of those municipalities, and what did the people do? What did the county do? They proceeded with county restructuring because they had the votes at county council to say that’s what they wanted. But the municipalities out there that had the ballot said they didn’t want it.

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We look at what happened in the Constitution, we look at what happened with previous governments that don’t listen to the people. Only about one or two reeves were returned to office; the others were defeated because of county government. So the process is in place that we’ve got a county that, as of tonight, is going to be restructured as of January 1.

We look at some of the concerns that have been raised in the township of Tay. The township of Tay has negotiated a deal with the town of Midland and the town of Penetanguishene. This restructuring is taking place, but the township of Tay is keeping jurisdiction of their land for another three years. They are going to collect the taxes, but through this restructuring bill they are going to be restructured. So there is a side deal that’s taken place.

My colleague and I had about six amendments that we wanted to put in with regard to second reading of this bill, but as the parliamentary assistant said, there will be no amendments accepted. So the process is my theme, because that is what has been wrong.

The minister indicated we’re going to save about \$1.3 million; that’s going to be the saving to the county. I know of one municipality that’s already signed agreements, and they’re telling me that it’s going to be \$126,000 more for administration just for their new municipality. Perhaps somebody should tell me where the costs are going to be. I don’t see them and I don’t think anybody else does.

Anyhow, there’s a lot of history that goes on here. When we look at the letter that I got from Tom Crowe just recently—Tom is an owner of a golf course at Orr Lake—Tom wrote a very strong letter indicating that he doesn’t like restructuring.

While I’m going through my notes, I see here that “MPP Waters Rips Restructuring.” “The MPP who represents Midland at Queen’s Park is branding the

proposed restructuring of North Simcoe as a ripoff of tax money." That's what the member for Muskoka-Georgian Bay is saying, and he's right. I agree with what he said in Huronia on Sunday, September 20, 1992, just a little over a year ago.

Here's another one. It says, "Waters Blasted for 'Tax Grab'." I don't think Waters is all wrong, and I'll tell you why. He lived in a municipality that was restructured. He lives in the Muskoka-Georgian Bay riding, and he knows what's going to happen when you restructure. He knows what has happened when you're in a region, and that is where the problem comes in.

Here's another Free Press release. It's a very recently dated one. As a matter of fact, it's December 5, 1993. It says:

"A bill intended to make the government of Simcoe county more efficient seems to threaten to do just the opposite.

"Bill 51, which would reduce the number of municipalities from the present 28 to 16, is late being passed by Queen's Park.

"Although it's supposed to go into effect on January 1, it still awaits third reading on the government order paper. That despite the fact the bill has been ready for passage for almost a year, since January 1992."

I've said that the process has been flawed. Here we've had a ministry and a government that had the opportunity in all of 1993 to bring this legislation forward for debate. They didn't allow us time to debate it in August. I believe it was August 3 that it had second reading with no debate. This is the first chance that we've had an opportunity to debate this bill. We had a bit of an opportunity to debate it when we travelled the county to about six municipalities.

But you know, what the people were telling us there is not what I'm hearing with regard to some of the problems that are in that bill. I know that in one instance, there were some 55 who made presentations who were municipal people. Why did the municipal people want to make presentations? I thought this was really for the ordinary person out there who was opposed to it. I know somewhere in my notes, I believe, there were about 28 who were in favour of it. I have to tell you, there's a problem with regard to this whole process, and that's what my debate has been on.

As I said at the start, let's see how the south end of the county works. If it works, fine; then we proceed with a plan on the north and, after that, then we proceed with restructuring. I have a feeling that I was on the right track and I'm here tonight to say that this bill is going to be law.

We still have a problem in Tiny township. There have been environmental hearings going on with regard to a garbage site that is wanted by the urban areas, against the wishes of the township of Tiny, on class 1 farm land. Bill 51 is going to change what happens with regard to waste disposal in the county of Simcoe, because this bill will allow the county to transfer garbage to any one of the sites that it has.

I don't think there is a need for another disposal site in

the county of Simcoe. They have 17 now and I don't think there is a need for another one on class 1 farm land. There's got to be a better way.

Robert Eison wants to move the hearings from Tiny township to Toronto. He's the chairman of the Environmental Assessment Board hearings up there. I don't accept that. Hearings, in my estimation, were supposed to have been held in the community that was affected.

I believe there are better ways to deal with the disposal of waste in the county of Simcoe. This plan, Bill 51, gives the county the right to dictate where that should go. I believe the time has come when we've got to get to waste management such as rail haul and waste to energy.

I myself made some presentations to the committee when it was having hearings. At that time, I expressed my concerns for the process. I have always maintained that it has been flawed. I've never said that there shouldn't be restructuring in the county of Simcoe, but I said the way it has been done has not been right.

We have some clippings that say:

"Restructuring a Chance to Stop a Runaway Train.

"No one disputes the fact that all of our municipal taxes will go up as a result of being restructured. Money spent so far on the restructuring process is a small drop in the bucket when compared to the enormous costs we face in the future. The government of the province of Ontario will not proceed with restructuring if there is a consensus against it. There has been no consensus against it. The county council voted in favour of it. They said that we should go ahead. Some of the reeves have said, 'If we don't do it, the province will.' The province, during the hearing, said, 'We will not do it. It's you that wants it, it's you that's going to vote for it, and if you want it, we will do it.'"

I have some problems with that, because I still do believe that it was driven by the ministry.

Headlines in the paper: "County Restructuring Still Under Fire" and "Stop Now Before It's Too Late." That came from Frank Hamilton of Glen Huron. He's in the riding of my colleague, who will probably speak about that in his remarks.

I found the letter to Mr Philip from Tom Crowe that I was looking for. It says:

"We do not want it. Nobody knows what it is. We were asked in a written survey and it was rejected. We are in Medonte township and everything seems to be all right now, so why change it? Bigger is not better, and if you don't believe me, look at education. Members of Medonte council told me they do not want to change even though they voted for it, and the clerk's office does not want to change. We feel that our taxes will rise when we cannot afford to pay our taxes now. Please, it is not too late to stop restructuring. Please do not pass the bill."

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I think probably the bottom line is that it is too late to stop restructuring. I think the train has gone past. I think the work that has been done by the county has been done based on what it has been told and what it has anticipated is going to happen. I still think the process has been flawed. It wasn't too long ago that "City Taking Forest

Home" was in the paper on December 7. "The township of Orillia has passed a bylaw with the city of Orillia to have that part of the municipality that was going to the township of Oro in this deal put back in the city of Orillia." The city of Orillia has a plan that it had put on—it has done its planning and it was approved this year by the minister—that says that a section of Forest Home, Eight Mile Point area, which would appear should be in the city of Orillia will be. That is not what we're passing here tonight. We're passing something different than what they had said.

There was a lot of discussion in the south end of the county with regard to the problems that they have had. "Three towns of south Simcoe will receive a total of \$855,244 in special assistance grants from the province, Municipal Affairs Minister Ed Philip said today." We have not heard of any figures that are going to be assessed or released to the county of Simcoe, northern part. We understand there have been costs that have been released to the county to help pay the municipalities for the work they have done and what was needed to be done to make it happen. It's January 1. Little time is left. I can tell you, it can show you how the taxes will increase in the county of Simcoe after this.

Didn't previous governments show us what restructuring was all about, and regional government? Have we not learned from that lesson? Have we not realized that if you haven't got consensus from the municipalities, it's not going to be right, it's not going to be proper? They're closing the Municipal Affairs office in the city of Orillia. The minister says what he's going to do is he's going to have the office at the county building in Barrie now so it'll be convenient. But, you know, what's happened is the fact is that they have to pay the rent there for the next three years, at \$41,000 a year. They're closing the office; it's still sitting there. They're going now to the county building to rent space there to fulfil the need that is there because of restructuring. If you talk about a ministry that is in trouble, I say to Ed—you're listening there now; I can tell that—you maybe should think again, because that's not the way that I would run a business.

My colleague the member for Markham, who has property in Tiny township, is not going to speak on this bill because we thought that I could make a few remarks on his behalf. Also, we have the member for Willowdale, Mr Harnick, who also has property in that area. I don't know why, but it's a great part of the province to be able to have a holiday in.

Mr Cousens says:

"The restructuring process for Simcoe county has been flawed right from the beginning. How wrong it is that one community should benefit at the expense of another. The fact is that Tiny township is giving up significant revenue and residents feel they have been short-changed illustrates the unfairness of this bill.

"Having attended meetings with municipal politicians, there was a genuine desire for equality. There's no long-term equality for Tiny township with this bill. The discussions among the community should continue and the government should take the necessary time to develop a solution that will be fair to all parties.

"I deeply regret the government's reluctance to continue the debate to ensure a fair settlement of all parties."

I said at the beginning—and I will close my remarks—that county restructuring has been a process that I believe had a major flaw. The major flaw has been the fact that there was no planning done to indicate where any boundaries should be. The ministry dictated what it felt under the old Toronto-centred region plan—probably very few members here realize what that old plan was—which is probably what the boundaries were drawn on. They got the people from the south end of the county, most of them on the committee, who make the recommendations. Bill 51 will pass tonight. I hope that what will happen in the county of Simcoe is that we will think positively, that it will be a plus, although I have been against the process and opposed to it.

There's a little history here that I'd like to put on the record. The wife of John Graves Simcoe, the founder of this great province, had three dogs: Tiny, Tay and Flos. That history, as of tonight, will no longer be there, because there will be no more Flos and there will be no more Tay as we had known them. Tiny will still be there, but I'm telling you, this government is killing history in this province.

The bottom line: I want to thank all those people who participated in the public hearings. I want to thank all those people who have come to visit with us and the time they have taken to try and convince people of what they feel was wrong with this piece of legislation. I hope—and I'm an old county councillor and an ex-warden of the county—that after this bill is passed, our new attitude will be, "We've got to make it work," because we've got to think positive. Much as I oppose the process, I say that I will work with those people to make it work and I say to you tonight that Simcoe county is changed for ever. I want to thank you for the opportunity to have these remarks.

Mr Charles Harnick (Willowdale): I come to know a little bit about this bill because I know a number of people who live in Tiny township and I know what this bill is going to do to them over the next 10-year phase-in period. I know that friends of mine, Bill Desroches, Paul Marion, Don Dorion and Gerard Lafrenière, who all live in the Lafontaine area, are people who work very hard for the dollars they put on their tables to look after their families and to run their farms.

I can tell you that when this bill is passed and the commercial base of Tiny township is taken away and there's a 10-year phase-in period so that Tiny township can die a slow death over 10 years, these people are going to be hurt. They're going to be hurt because their taxes are going to have to go up to pay for schools, for roads, waste disposal and all of the other municipal services that we in urban areas tend to take for granted.

What is going to happen is that these people are going to see their taxes go up dramatically, because this restructuring bill takes the commercial base of Tiny township right out of the township; there is no commercial base left. I know the member for Simcoe East is well aware that this commercial base runs along Highway 93 and is now part of the annexation into the Midland town area.

My friends in Lafontaine are going to be hurt.

I take some comfort in the fact that although I don't know an awful lot about this restructuring bill, the member for Simcoe East is firmly against this bill. He's against it because 92% of those people in Tiny township whom he represents were against this bill and the government didn't listen. They just went ahead and they did it anyway. I'm opposed to this bill as well.

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Mr Daniel Waters (Muskoka-Georgian Bay): My colleague from Simcoe East is more than right about some of the press clippings. In fact, he was being kind because there are some other ones that were much more colourful, in the early days of this bill, about my remarks and my feeling about restructuring. I can tell you, though, that as the time progressed, a number of those concerns were dealt with by the county and by Municipal Affairs and they came up with agreements that seemed to work, and I believe they can work.

Last April, I believe it was, Jack Hunter from Tay township put forward a vote in which, if you had taken the south out of it, it still would have passed. I am told by people such as Nancy Keefe, who was warden, I believe, at the time, a year ago, that the province did not pressure Simcoe county into restructuring, that it was driven by the county. She was, I believe, the warden at the time and therefore I trust her to be a very honourable person; no reason to tell me that the county did not want this.

I'd like to end with something: I was in Matchedash on Sunday. It was a very tough day. We had a wake, basically, for the township of Matchedash and I think we all came to the consensus that this can work, but it's the people of the county of Simcoe who have to make it work. Otherwise, it will be like other restructuring or other district government that indeed costs more and you get less. But if the people make it work and they work with their local councillors, this reduction from 28 to 16 can work and can be cost-efficient for the county.

The Acting Speaker (Ms Margaret H. Harrington): Any other questions or comments? Seeing none, the member for Simcoe East has two minutes to respond.

Mr McLean: I want to take the opportunity to respond to my colleague the member for Willowdale, who mentioned with regard to Tiny, and yes, I remember attending meetings in the Tiny township municipal office with regard to county restructuring. At that time, they were not talking to the town of Midland, and I'd indicated very strongly that there would be no support for this bill unless there was an agreement made with regard to that highway strip and Tay township got reimbursed for what it was losing.

I think that was important at the time because it made them come together and deal with that very issue. Tiny township is very happy now. I understand that Midland and Penetanguishene mostly have come to an agreement with regard to part of Tay. I think it is important that this has happened. They're working together and I think that's great.

The member Mr Waters had indicated with regard to

the problem that Jack Hunter, the reeve of Tay township, had brought to his attention. Victoria Harbour and Port McNicoll: Many people had thought in the past that this should be all part of one municipality and I think it will work out.

Now that we know the bill is passing, there's no two ways about it, we have to take the positive attitude to make the county of Simcoe the great county that it has been for years. I want to be part of that system that will continue to say that Simcoe county is great. I certainly know and I sympathize with those people who have put in those hours and hours of work to try to make it better, to try and get the changes that they felt were right for their municipality. I sympathize with the township of Orillia, which never did agree to county restructuring. The boundary line was never agreed to by them. They are part of it.

I think the process has been flawed. I will continue to say that. But we've got it now, so let's make the best of it.

Mr Jim Wilson (Simcoe West): As there was no second reading debate on Bill 51, An Act respecting the restructuring of the County of Simcoe, I am pleased to have this opportunity to deliver remarks on legislation that will have a tremendous impact on my constituents in the riding of Simcoe West.

Before beginning, I feel it's important to get on the record that both my colleague from Simcoe East, who spoke so eloquently in the past few minutes, and I have gone out of our way to assist the government in bringing this legislation forward, as a courtesy to Simcoe county council. I want to state for the record that we gave up our right to debate on this bill on second reading so that we could force the government to hold four days of public hearings in the county this past summer. So we've not had any debate to this point in this Legislature and at this level of government.

Having said that, I will be voting against Bill 51 on third reading because I believe the restructuring process in Simcoe county has been flawed from the beginning, that the negatives of restructuring far outweigh the positives, and that the will of the people has been denied in my riding of Simcoe West. Nothing in Bill 51 has changed my belief that restructuring is a poor prescription for the people of Simcoe county.

I want to speak about the flawed process that the member for Simcoe East alluded to so wonderfully in his remarks, and a bit of the background.

Regional government should have died a natural death in 1975, but the idea was reincarnated in the 1980s under the Liberals and cleverly termed "restructuring."

The first two-tier metropolitan government in Ontario was formed in 1954 in Metropolitan Toronto. It was superimposed over 13 area municipalities in the southern portion of York county. At that time it was thought to be a onetime wonder. However, between 1969 and 1974, the Ontario government created regional governments in Ottawa-Carleton, Niagara, York, Waterloo, Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk. No new regional governments were created after

1974 by the then PC government of Ontario because of the political backlash that resulted from the first batch of regional governments. The Ontario PC Party stopped introducing regional governments in 1975, as a matter of historical record.

After the concept of regional government had been announced by the public, Ontario returned to a traditional approach of adapting local governments to growth pressures through annexation and amalgamation. Boundary adjustments were facilitated with the passing of the Municipal Boundary Negotiations Act in 1981. As well, a major revision of the Planning Act in 1983 delegated planning responsibilities to county governments.

In the late 1980s, the Liberals decided to take another crack at reforming county government by carrying out three major studies. They were entitled *Patterns for the Future*, the report of the Advisory Committee on County Government, 1987; *County Government in Ontario*, 1989; and the final study, *Toward an Ideal County: Principles and Programs for a Strong County Government System in Ontario*, 1990.

The 1989 *County Government in Ontario*, or the Tatham, report was assembled by a consultation committee that toured the province and reported back to the Minister of Municipal Affairs. Interestingly enough, this committee was comprised of nine members of provincial Parliament, all of whom were members of the governing Liberal caucus. This committee made 41 recommendations which underpinned the principle of strengthening county government. Of course, implicit in the notion of strengthening county government is the reality that municipalities are sacrificed in the process.

The final Liberal caucus report into reforming county government, called *Toward an Ideal County*, merely reinforced the ideas contained in the two previous reports, reports which intended to produce a desired effect which would strengthen county government or regional government. This is what I call the external flaw that underpins the restructuring of Simcoe county.

The Liberals knew the extent of the hatred that Ontarians held for regional government. In order to circumvent the will of the people, they stacked the consultation committee in order to achieve a false consensus on the so-called virtues of strengthened county government.

Confronted by three flawed Liberal government reports in which each called for strengthened county governments, Simcoe county council embarked upon the slippery slope of restructuring in 1989. Simcoe county councillors believed that to do nothing would serve as an invitation for the provincial Liberal government to restructure the county the way the provincial bureaucrats had wanted to do all along.

As a consequence, they felt it more prudent to carry out their own study and keep the province out of Simcoe county's affairs. This was a noble attitude at the time because when the government is involved in anything, it invariably messes it up. However, this fateful decision by county council became a tragedy of Shakespearean proportions for the people of Simcoe county.

When the Liberals paid dearly for their arrogance at

the polls in 1990, the NDP came along, driven by the same restructuring-happy bureaucrats at Municipal Affairs, and told the county to complete the study it had begun under the Liberal regime. The county had become imprisoned by its own initiative, which the NDP used to its advantage by terming the Simcoe county study a "locally driven initiative."

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This brings us to the second flaw. This flaw was articulated best by my constituent, Mr McFarlane, of Glen Huron, who said: "Amalgamations such as that proposed are highly suspect. They are driven by interests other than those of the rural community."

In Simcoe county, restructuring was driven by self-interested municipalities. Midland, Collingwood and Stayner wanted these changes to acquire more land assessment and a larger tax base. The four townships bordering the city of Barrie supported restructuring in order to hold off the city's expansion plans. Municipalities in south Simcoe supported the changes because they had already been forced to restructure or amalgamate in 1990 under the previous Liberal government.

That bill went through this House as one of the last pieces of legislation before Mr Peterson called the snap election in 1990. It went through this House with no debate—no debate whatsoever. My constituents have had to suffer the consequences ever since.

The composition of the Simcoe county restructuring committee reinforces my point about the interests of a few dictating the future of the many. Five of the nine committee members came from south Simcoe, which was told that it would have to amalgamate before the study began. There was no way they could be objective on the issue of restructuring. They had already been forced to restructure and their attitude, I think, was, "Well, we've been forced in the south end; it's time the north end got restructured." Two other committee members came from municipalities searching for additional land and assessment. Another committee member came from a township bordering the city of Barrie.

In other words, the county committee was structured to produce a desired end result. Eight of the nine members were representing interests other than those interests that should override all others, and they are the best interests of the majority of the people in Simcoe county.

I want to speak about some of the negatives to restructuring. The negatives to restructuring far outweigh the positives.

The first negative is the loss of local identity. Local communities fear a loss of identity and they fear being wiped off the map. There is also potential for their distinctiveness and their historic character to become absorbed by larger communities.

I was angered and frustrated that during the four days we spent in public hearings in the county of Simcoe this summer, the map that was given to presenters and that was in the room during those days no longer contained any reference to the township of Sunnidale or the township of Nottawasaga. The bureaucrats at Municipal Affairs in this government had already wiped those

names off the map before this bill was even passed, because those two townships are being amalgamated with Creemore and Stayner to form the new amalgamated township of Clearview.

I was insulted, and the people who appeared before that committee who said they feared losing local identity merely had to look at the map on the wall, which was the government's reference map, which already had wiped their names off the map of the county of Simcoe.

The number two negative is accessibility. In larger regional municipalities, citizens lose access to elected officials. Regional governments are seen as remote and bureaucratic.

Three is the taxation levels. Amalgamations or regional government consolidations produce higher levels of taxation for residents who reside in rural areas. In the early stages of regional governments, there was a substantial increase in tax rates from the previous non-consolidated municipal rates. This government—or any government—can't point to any regional government that worked out to be a better deal for the taxpayers of Ontario.

I know of what I speak. My party did the regional governments prior to 1975 and we got out of the business because the people of Ontario did not want it.

The cost to build a possible new municipal office for the soon-to-be-amalgamated township of Clearview could run as high as \$1.2 million. Officials from Clearview are bracing the public for the worst in terms of their tax bills for the soon-to-be-formed township. The administrator was quoted in a recent newspaper article as saying: "Hopefully, you're not going to get hit too hard. I would hope the total tax bill...should not be a great deal more than what it is for the four municipalities at this time."

The following is a quote from a paper undertaken by the Ministry of Treasury and Economics in 1976 entitled *Regional Government in Perspective: A Financial Review*:

"It was intended that property taxes not contributing directly for services such as police and intermunicipal roads would experience increases while those that had contributed fully would experience decreases. The increases became greater with the effects of inflation and expansion of services while the decreases were practically eliminated." This is the government's own study, talking about the effect on taxation in regional governments.

The regional municipality of Cambridge was formed in 1973. Between 1972 and 1975, all municipalities in this new regional municipality experienced tax increases, but the burden was heaviest in the rural municipalities. The city of Galt had a 26.3% increase over that time. The township of North Dumfries had an 85.5% increase over that time. The township of Waterloo had a 71.1% increase. Bigger is not better; it's simply more expensive.

Number 4 on the negative side is the process. Amalgamations are often done so quickly that a proper impact study of cost and taxation is not carried out before public hearings begin. Simcoe county residents still do not know what the cost and tax implications will be of this restructuring.

Five is the loss of autonomy. Residents in rural areas end up paying more in taxes to pay for services they don't always want but are forced to have. They are not given a choice as to what services they want to pay more for.

The sixth negative to restructuring is its unpopularity. Regardless of their merits, the people of Ontario view regional governments in a completely negative light. In 1989 the provincial government received numerous complaints about regional government during its review of these types of governments in Ottawa-Carleton, Haldimand-Norfolk and Niagara. Common complaints included—and I quote from the government's own paper called *Working with Regional Government: Development Issues*. It was produced by Insight Press in 1989. Those quotes are:

"Regional government is a money-wasting empire of overpaid, underworked bureaucrats and politicians."

Citizen taxpayers "should not be saddled with such a money-guzzling, useless form of an octopus that is robbing us blind."

Other comments: "Disband regional government; it is too expensive."

"Scrap regional government and return to the system in place prior to regional government."

"Regional government creates a duplication of services, does not communicate with taxpayers and generally wastes more money."

The seventh negative to restructuring is again its expense and the expense of setting up this new government. The costs to carry out studies and implement regional or restructured government are high. In addition, and to comfort the municipalities that are forced to undergo these restructurings, the government must provide grants to ease the transitional expenses in the wake of consolidation.

The only reason the people of New Tecumseth in my riding who were forced to restructure under the Liberals have not at this point seen a significant tax increase due to restructuring is because we funnelled some \$4.8 million to that municipality to cushion the effect. Well, I tell you, in 1995, when the police grants run out, there's going to be a huge bill sent to the taxpayers of New Tecumseth. At the same time, in the restructuring in the north end, the government's spending less than \$2 million to cushion the effects of the transitional activities that have taken place to date. That's not nearly enough money to cover many of the costs that the municipalities have already incurred. The government has told us there'll be no more money for restructuring. Tax bills will go up.

I think the eighth negative is downloading. I learned this first hand when I was elected in 1990 after restructuring had taken place in New Tecumseth. I had people like the recreational people at New Tecumseth coming to me and saying: "Mr Wilson, in the past we used to get three or four arena grants to fix the roofs of our arenas. Now we just get one. What's happened?" I said: "Well, you've been restructured. On the map at Municipal Affairs, you're no longer Beeton, Tottenham, Tecumseth township and Alliston. You are New Tecumseth. You get

one grant. You figure out what arena you're supposed to fix up."

When it came to the Environmental Youth Corps program, we used to get two students for each of those municipalities. Now we're one municipality. We get two students for the four former municipalities.

It goes on and on and on, and I've already talked about the cost of policing. Restructuring is nothing but a form of downloading, driven by bureaucrats here and bought into by two successive governments. It's nothing but that.

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Rather than talking in an upfront way about paying for OPP services that currently the province pays for in my rural municipalities, rather than taking that issue head-on as a separate issue, they sneak it in through the back door and they download the cost of police services in the case of new Tecumseth. They do give a phase-in period of five years, but I'll tell you, in 1995 we'll be responsible for 100% of policing, and five years previous to that the province paid for policing in the rural areas of New Tecumseth. It's nothing but downloading, and it's an underhanded way to treat the people of the province of Ontario.

Unfortunately for my constituents—I want to talk about some alternatives to restructuring—and for other residents of Simcoe county, both the Liberals and NDP failed to adequately explore other options than the draconian proposal to restructure Ontario's largest county.

These other options include such things as:

—Intermunicipal agreements or agencies which are used to provide regional planning or regional services. These arrangements are usually better and serve to negate the economies of scale and regional planning arguments as a rationale for consolidation;

—Revenue-sharing between municipalities and the pursuit of equity for services;

—Disentanglement: Having the province assume some services that it can best deliver, disentangling other services and allowing the local governments to better administer and deliver those services;

—Community sub-units: These arrangements give identity and different service levels to a part of a municipality that may desire annexation to a neighbouring municipality or separate incorporation. This arrangement is flexible and prevents a situation where the baby is thrown out to save the bath water.

Other arrangements: One is to enhance the status quo. In his 1991 article entitled "Local Government Reorganization in Canada since 1975," author Andrew Sancton, who's the director of the local government program at the department of political science at the University of Western Ontario, believes the more "flexible and adaptable structural arrangements" achieved in Quebec, BC and Alberta are a more viable option than county restructuring in Ontario.

Professor Sancton writes: "After all, the parts of southern Ontario still encompassed by traditional counties bear much more resemblance to the urban areas of these less populous provinces than they do to the almost continuous urban sprawl of the Golden Horseshoe, which

two decades ago experienced its own version of county restructuring when regional governments were originally established."

Professor Sancton believes the challenge is not to invent more structural alternatives but to determine in a vigorous manner which municipal structures are working and which ones are not. The best structure is one that is flexible and responsive to the differing needs of city, suburb and countryside.

Sancton believes that no municipal arrangement is perfect. However, the traditional municipal system in Canada—in which city and countryside are kept separate—has inherent flexibility in that both sides recognize the inevitability of occasional annexations of rural land to the city for the purposes of new urban development.

Referendum: Professor Sancton also notes that never has a single municipal reorganization plan been submitted in Ontario to a public, binding referendum. However, in the United States such a procedure is normally a state constitutional requirement. As a result, seldom have any proposed reorganization plans been approved south of the border.

In British Columbia annexations or amalgamations need to be supported by a local vote. The Minister of Municipal Affairs has the authority to call a referendum to resolve questions surrounding annexations.

Two years ago, I brought in a private member's bill to ensure that municipalities could not be restructured against their will, not opposing restructuring but opposing forcing restructuring on people who don't want it.

One of the recommendations made by the Ministry of Municipal Affairs' Ottawa-Carleton Regional Review Commission in 1992 was that a referendum be held in Ottawa and Vanier to determine whether those two municipalities should be amalgamated.

Bill 77, An Act to amend certain Acts related to The Regional Municipality of Ottawa-Carleton, which was given first reading on July 22, 1993, does not contain any provisions to hold this referendum, nor does Bill 51, the subject of tonight.

Lessons from restructuring in Simcoe county:

In the future I believe the government should hold a referendum in each affected municipality before carrying out amalgamations. If the government is genuinely interested in restructuring and genuinely interested in that process being locally driven, then they should ask the people whether they actually want it before changes are undertaken.

The government should be asked to produce its studies, if they exist, that determine the costs, impacts and benefits on local ratepayers under a restructured county.

Guarantees should be put in place to ensure that rural taxpayers do not bear the brunt of both taxes and absorbing the accumulated debts in urban areas.

The government should establish an independent review a short time after restructuring is implemented to determine whether these reforms are worth continuing. There should be extensive polling of residents to see whether they support a continued restructured county.

In Simcoe county, democracy was denied. Restructuring has been a four-year exercise carried out by a few to deny the rights and aspirations of the majority of citizens in Simcoe county. In my three years as the member of provincial Parliament for Simcoe West, I have only received one letter out of hundreds from a citizen supporting the idea of restructuring.

Perhaps the sentiment of the masses is best described by Carol Currie, the reeve of Nottawasaga township, who presided over the last council meeting in the township earlier this month. She described the meeting as "a sad, sad day. We had hoped that this day would never happen."

I would caution the government about the wrath of restructuring, because the people will have the final word on this issue. For example, in 1975 my party lost several by-elections and was reduced to minority government status primarily because of the establishment of regional governments. However, we learned from our mistakes. In the 1990 election with the spectre of restructuring Simcoe county, the Liberals were brought to their knees and did not win one seat in the county. Every seat in Simcoe county was won by politicians who campaigned against restructuring. Over the past three years, though, some NDP members—and they've been named this evening—have wavered from their original promise to their constituents.

In the last municipal elections in 1991, my constituents overwhelmingly voiced their displeasure with restructuring. Two municipalities in my riding put the issue of restructuring to the true test of democracy. They put the question on their election ballots. Ninety-four percent of voters in Sunnidale township said no to restructuring, as did 85% of the residents in Nottawasaga township. So much for the government's argument about locally driven initiative. Several municipal politicians who supported restructuring fared rather poorly at the polls in the last municipal elections.

Some comments on this legislation, as I wind up, from my constituents and from the people who will be affected by this bill's provisions. Their comments are important because they were largely ignored at public meetings concerning this issue.

Harry H. Powell from Perkinsfield wrote me to point out that: "At the November 1991 municipal elections, 7,100 Tiny township voters turned out to vote. On an accompanying ballot, 5,090 voted against restructuring. This should indicate a travesty of justice," he writes.

Dr Robert R. Kutcy of Nottawasaga township writes: "If in the restructuring we are promised extra services, such as town water and sewer, I would gladly reconsider the whole situation. At present, the only thing I can see that the proposal would offer would be significantly higher taxes, without increase in any services."

Frank Hamilton from Glen Huron faxed me last month, saying, "Our province, our country, our compensation board, our UIC fund, our government pensions, etc are all on the verge of financial collapse, and yet restructuring is being put together even though it's going to cost us more money to run."

Lynda Jeffrey, a Stayner resident, succinctly summarized her opposition to Bill 51 in a letter. She writes, "Large numbers of people are opposed to restructuring because of three main reasons—higher taxes, loss of representation from our communities, and the imposition of regional government, which has only proved itself to be far more expensive and far less effective."

Ross Hastings, reeve of the township of Tiny and current warden of the county of Simcoe, wrote in August of this year to the social development committee studying this legislation. Mr Hastings said, "The council feels"—this is from Tiny—"that the restructuring of Simcoe county has been a long, antagonistic process without adequate analysis of the financial impacts."

Donald and Betty Scott from Collingwood wrote to me to say, "We hope that our members of government will finally listen to the people because we are still saying 'No to restructuring!'"

Rose and John Danko from New Lowell wrote two years ago to me, saying: "We want to preserve our rural way of life—this is extremely important to us. And we want to have decisions made at a local level, not by someone who does not have to live with the results of those decisions."

Gail Barrie, a Tiny township councillor, wrote in August, 1993 with respect to the government's handling of this legislation. She said, "Politicians should not ponder why there is such an absence of trust in them from their taxpayers."

Alvin Currie from Collingwood wrote to me and said, "I strongly recommend that Bill 51 be shelved for the time being because of the financial impact upon Simcoe county residents, especially those from the Collingwood-Nottawasaga expropriation area and the Nottawasaga, Sunnidale, Creemore and Stayner amalgamation."

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Harold A. Norris, a sixth-generation resident of Creemore, wrote to me, "I very strongly oppose regional government, having seen taxes rise every time this type of government has been forced on the taxpayer."

D.R. Matthews, the president of D.R. Matthews and Associates of Duntroon, says: "We are very disenchanted with the process in light of the NDP's promise that they would listen to the people/voters. We want to suspend this process and return to us our democratic rights."

Mr and Mrs Wesley Caughill of Nottawasaga township said: "We are also concerned for some of our neighbours who are retired and on fixed incomes. They will find the significant tax increases difficult to handle. It does not seem fair that we purchased land in Nottawasaga township to avoid high town taxes, yet may be forced to become taxpayers of Collingwood anyway. Why should we finance the debts of Collingwood and benefits we may never receive?"

Wendy Ward-Price, who owns property in Nottawasaga township, wrote to the Premier and said, "As a taxpayer in Ontario, I was absolutely horrified to learn that I have virtually no say in my own destiny thanks to your government and the county of Simcoe."

The restructuring of Simcoe county further emphasizes,

and emphasizes for all of us, why the public is fed up with governments and politicians: because governments and politicians say one thing in election campaigns—Premier Rae was in the county of Simcoe in the 1990 provincial election and he said that he would never force a municipality to restructure against its will.

Paul Wessinger, the member for Simcoe Centre, very clearly was opposed to restructuring in the last provincial election. In fact, he went so far as to say that he would scrap the process should he be elected. Well, Mr Wessinger, you're elected. You're here tonight. What do you have to say for yourself? What do you have to say to those constituents? You don't have a mandate to restructure Simcoe county. I don't have a mandate to restructure Simcoe county. The process was flawed from the beginning. The government should scrap this bill. It should listen to the people of the county of Simcoe and it should never have gotten into this flawed process in the beginning, which has really encompassed two governments, and both have failed to listen to the people.

Why don't you learn from the mistakes of the past? Why don't you learn from my party that has commissioned studies after regional government to show that it's not the way to go? Why don't you stop pretending that this isn't regional government, that it's simply restructuring? Why don't you do your downloading in a more upfront way? Why don't you talk to the people? Why don't you ask them what they want? When people hold referendums and you have 85% and 94% opposing something, you're supposed to listen to them. That's what the people want. You're not supposed to go home on weekends and lecture to them about what's good for them.

I reflect on the words of Carol Currie, the reeve of the township of Nottawasaga, in my concluding comments, who said it was indeed a sad, sad day during the final moments of that last council meeting in the township of Nottawasaga. And now we see the map of the county of Simcoe, which doesn't have the township of Nottawasaga on it or the township of Sunnidale or many, many other places, because this government with one stroke of the pen has decided to cancel the wonderful history and tradition that we've enjoyed in Simcoe county. It's a sad, sad day for this government and for all members of the Ontario Legislature with the passage of this legislation.

The Acting Speaker: Questions or comments to the member?

Mr Paul Wessinger (Simcoe Centre): First of all, I'd like to compliment the county of Simcoe for proceeding with restructuring. In all the history of Ontario, I believe this is only the second county that's agreed to restructure and has been restructured, the first being Oxford and Simcoe being the second. I think restructuring is a very difficult political process and I think those who lead restructuring deserve our compliments for their leadership because it does have a great deal of political unpopularity in doing it.

I, for one, believe it's necessary to restructure local government. I think that many of our counties are not viable, many of our municipalities are not viable, and I believe what the county of Simcoe has come up with may

not be perfect but is a great improvement.

First of all, it creates planning for the whole county of Simcoe. My major concern politically has always been my concern about all of Simcoe being urbanized, particularly all of south Simcoe being urbanized. I believe establishing planning and an official plan for the county will prevent that urbanization, will preserve the rural character of the county. So it's good for that reason alone.

Secondly, I think it's important to have more viable municipalities that can provide more of the services to their residents that they need.

Thirdly, I think it's very important that we have some cost savings. The estimates are that there will be cost savings as a result of this restructuring.

Lastly, I'd like to say that comparing restructured counties with regional government is fighting a straw man, for the simple reason that regional government is creating a new level of government. Here we have an existing level of government. There's not a creation of any new bureaucracy. It's establishing the existing level of government. Secondly, regional government involves the establishment of new services. With a restructured county, and this one particularly, there are no new services other than planning being established at the county level. In fact, library services are being transferred from the county level down to local municipalities.

So it's really a very good, economical planning process and I'm very pleased to see this go into law this evening.

Mr McLean: I wish to comment briefly on the member for Simcoe West's comments. I want to indicate that the discussion he had with regard to the police boundaries is a major issue that a lot of people have not talked about.

It was interesting to hear the remarks of the member for Simcoe Centre. Why didn't he talk like he's talking now with regard to what he said during the campaign? He's referring to what this member has been talking about: that he agrees with the process, he agrees with restructuring, he thinks it's such a great thing. It's amazing what difference a few years can make. I don't quite understand how a member can at one time oppose restructuring and come in here and say how he is in favour of it. I guess that's a proper thing to do now, because we all know that restructuring is taking place. It's done; it's a done deal. It's the third reading, and there will be no further debate after Mr Wilson is done speaking.

The issue with regard to the votes that were held in the municipalities: Does that not account for anything any more? Is there any point in having anything put on a ballot in a local municipality when they vote 92%, 95%, 85%, 75% against something and the government proceeds, the county proceeds? Is this democracy?

I say to those people who think it's right, when the next election comes around and they're going to the door, they should say: "I supported county restructuring. I think it's the right thing. I think it's the best thing that could happen, and you should vote for me." To you people who criticize us, say that at the door.

The Acting Speaker: Any other questions or comments? Seeing none, the member for Simcoe West has two minutes to respond.

Mr Jim Wilson: I want to thank my colleague the member for Simcoe East, who once again very succinctly in his two minutes really talked about the essence of democracy and that if we're ever going to get governments back on track and get the people to once again believe in politicians and to believe in our democratic process, we have to stop having people running around saying one thing, not just in a light way but in a very forceful way, during a campaign, and then turning around when they're in office and doing the exact opposite. I can't say it any clearer than that.

I say to the member for Simcoe Centre that every one of the cost savings projected by the Municipal Affairs-appointed fact-finder was deemed to come into effect many years down the road, and unless he's prepared to stand in his place and tell the reeves and the municipal clerks, who shot bullets and bazooka studs through every one of those projected savings that the government's fact-finder said would occur—when we had public hearings, people who are at the grass roots, who are actually delivering the local services, who know what new equipment has to be bought, what new services have to be extended into amalgamated areas, told us that the fact-finding discovery presented by the Ministry of Municipal Affairs was a bunch of bunk and that there would be no cost savings.

2200

The only cost saving in this process is to the government of Ontario. The only one that benefits in this process is Treasurer Floyd Laughren, because once again, through the back door, through the auspiciousness of setting up a restructured government, through the pretend falsehood that bigger is better, this government is downloading its costs on to the municipality. For the world of me, to the day I go to my grave I'll never understand why this county council bought into a process that would cost their taxpayers more money in the long run.

The Acting Speaker: Further debate? Seeing none, the parliamentary assistant.

Mr Hayes: In the essence of cooperation and a spirit of saving time in this House, I will be very, very brief.

I'd like to thank the members for Simcoe East and Simcoe West for their emotional speeches here this evening, and also the members for Muskoka-Georgian Bay and Simcoe Centre.

I just want to say a few words here about how the members have confused regional government with a restructuring government, and that is indeed what they have done here.

Interjections.

The Acting Speaker: Order.

Mr Hayes: I had the decency to listen to them over there, and I think they should extend that in return.

The bottom line of this thing is that in the early 1970s, the provincial government at that time, the Conservative government, was pushing very hard for regional govern-

ment. I was a member on county council in Essex county and we defeated regional government in that county. We defeated it because the county councillors voted against it; that's how it was defeated.

We're being accused here of this piece of legislation being bureaucratically driven, being provincially driven. As a matter of fact, that is bunk, because it is driven by the local people in the county, the duly elected members of that county council. It was their wish to have the county council restructured to streamline and to make a more efficient county. This government has not gone in there and dictated to that county. This government has gone in there and carried out the wishes of the duly elected people in that county, the county of Simcoe.

I'd just like to thank everybody: all the members of Municipal Affairs, all of the people from—I've already done that; all of the people for their participation and all the MPPs who participated in the committee. Thank you very much. I'm sure the county of Simcoe will be a lot more efficient county and it will work out to the betterment of all the people involved. Thank you very much for your participation.

The Speaker (Hon David Warner): Mr Hayes has moved, in the absence of Mr Philip, third reading of Bill 51. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

PUBLIC SERVICE AND LABOUR RELATIONS
STATUTE LAW AMENDMENT ACT, 1993

LOI DE 1993 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA FONCTION PUBLIQUE
ET LES RELATIONS DE TRAVAIL

Mr Cooper moved, on behalf of Mr Mackenzie, third reading of Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts / Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois.

The Speaker (Hon David Warner): The member for Kitchener-Wilmot has moved third reading. Does he have any remarks?

Mr Mike Cooper (Kitchener-Wilmot): I'll be brief. It's my privilege this evening to move third reading of Bill 117, a bill designed to bring significant change and reform to labour relations in the Ontario public service.

Taken together, the three components of this bill will allow for more democratic and open labour relations between the government and its employees. The result is a package of proposals that is naturally linked and progressive for workers in the Ontario public service.

In each of the areas—reform of the Crown Employees Collective Bargaining Act, whistleblowing protection, and expanding political activity—change has been overdue and long sought by all parties.

We're modernizing the Crown Employees Collective Bargaining Act, otherwise known as CECBA, and

bringing it more into line with the situation in other provinces. The act will be opened up in a number of ways, most of all by making collective bargaining available to most of the public servants who are now excluded from organizing, and by extending the scope of issues which may be bargained.

We also intend to lessen the reliance on binding arbitration in public sector labour disputes. However, as in the Labour Relations Act, public sector employers and employees will be able to refer some unresolved matters to arbitration by mutual agreement at any time during the collective bargaining process. The Ontario public servants will receive the right to strike but only after essential services have been designated and protected ahead of time. The public can therefore be assured that no threat to essential services will exist in the event of a public sector strike or lockout.

If the essential service designations are found by the Labour Relations Board to prevent meaningful collective bargaining, they will have the power to order arbitration or some other alternative to a strike, but the board will not be able to make such an order until after a strike has begun.

These reforms benefit both workers and the employer. They give rights to working men and women in the public sector that they have been requesting for many years. They will also allow the two parties to seriously begin developing the better working relationships that are necessary to improve both the quality of work and the services government provides.

Two other components of Bill 117 will recognize the new realities in which the Ontario public service is working. Ontario will be the first jurisdiction to legislate protection for public service whistleblowers. We intend to protect government employees who in good faith wish to bring forth allegations of serious wrongdoing in the public interest without fear of being penalized. At the same time, we feel our proposals strike a very necessary balance. We have a duty not only to protect whistleblowers but also to ensure that allegations are dealt with in a manner that is professional, responsible and fair to all concerned.

Finally, Bill 117 will result in expanded political activity rights for crown employees. Under our proposals, most crown employees will have more freedom to comment on political issues, to canvass without having to take leave of absence and to take voluntary leave of absence to seek political nomination at any level of government. As a result, crown employees will enjoy freedoms similar to their counterparts in the private sector without threatening the traditional neutrality of the public service.

Bill 117 is progressive for workers, practical for government to administer and protective of the public interest. I ask this House to grant it speedy final approval.

The Speaker: I thank the honourable member for Kitchener-Wilmot for his presentation and invite any questions and/or comments. Is there further debate on the bill?

Mr David Turnbull (York Mills): I'm going to be

extremely brief with this, but I just want to put on the record a few points. This is another of the government's omnibus bills which has bundled together three distinct areas of legislation that should more appropriately be brought forward as separate legislation.

Our party is going to be voting against Bill 117, and I want to tell you that had you separated it out into the separate components, we may not have been voting against all of them. But as it stands, we are going to vote against it.

The three distinct areas of this bill are the so-called CECBA reforms, the political activity and the whistleblowing.

Under CECBA reforms, this will allow the public sector to strike. It can be argued that perhaps you might get better settlements if you allow them to strike, but I can tell you, from all of our readings of the mood of the public, there is no acceptance of the right of public servants to strike. They are very lucky to have jobs today.

When I speak to my constituents who are out of work, who've maybe spent their whole lives being employed by major or minor corporations, and now they're faced with the fact that after 20, 30 or even 40 years, they're unemployed prior to retirement age, the thought that public servants, who are being paid, in the opinion of the taxpayers, a terribly inflated amount of dollars, are now going to be allowed to strike, I can tell you, there's great disgust.

2210

Do we want to turn the Ontario public service into something equivalent to the post office? I can tell you, the public is absolutely revolted at the service they've had from the post office over the years, at the fact that we've had this constant battle of strikes, of people whining that they need more money and now have got more money than in the private sector.

If we look at the history of public service, we find that many years ago the public service had less money than the comparable jobs in the private sector. Today, typically they have more money and we're talking about giving them the right to strike. Are you kidding? Are you serious? I think that when I speak to more rational people in the public service, they don't have any stomach for strikes, because they are telling us they don't like this legislation. This legislation is going to force initially 2,000 people who don't want to be in a union into a public service union without any option as to which union. They are being told that they're going to go into OPSEU, and we get all kinds of gobbledegook from the government that there's a community of interest. Well, let me tell you, there's a community of interest among people who are currently in OPSEU who don't want to be in OPSEU and would like to get out of it. Is the government offering them the right to a secret ballot to get out? No, it's not.

The government's explanation is that putting these 2,000 people into OPSEU is only a one-time thing, that next time around they'll be able to opt out. There seems to be something fundamentally flawed in that process, that you force people into a union and then they can opt

out next time around. What about allowing a secret vote to allow them to decide whether they want to join the union? But that would be too democratic. We would—

Mr Kimble Sutherland (Oxford): Conrad Black.

Mr Turnbull: I hear somebody from the NDP yapping about Conrad Black. The fact is that the government doesn't like the idea of allowing public service employees to have the right to a secret ballot to decide where they're going.

Hon Frances Lankin (Minister of Economic Development and Trade): This from a Tory. Give me a break.

Mr Turnbull: I hear the Minister of Economic Development and Trade yapping, "Oh, this from a Tory." I'll tell you this from a Tory: We believe in democracy, madam, and that is a principle that maybe you don't understand. This may be the title of your party, but when you force 2,000 people without any option whatsoever to go into a union, that doesn't smack of being very democratic.

We have heard from these people and many of them have said that they would either like to go into another union or not into a union at all. But this legislation forces them into this. That is the reason we cannot vote for this, because it is fundamentally undemocratic.

The implication of this bill, as we demonstrated very adequately last night during clause-by-clause, is that the government is going to force crown attorneys into a situation that they would have to strike. Let me point out that this would put those crown attorneys into conflict with the rules of conduct of the Law Society of Upper Canada. I really wish that the people who are in the House here tonight had been here last night to hear the absolutely hopeless explanation and defence that the parliamentary assistant put up to this, because it was totally, woefully inadequate.

The fact is that the rules of conduct of the Law Society of Upper Canada preclude the right to strike; you cannot remove those services. The government totally failed to answer that charge.

Notwithstanding that, here we have third reading tonight. The government is ramming it through without allowing the test as to whether this is ethical in the sense of putting people in conflict.

The parliamentary assistant in trying to defend that clause last night suggested that maybe 85% of the crown attorneys would be deemed to be essential service employees, so it would only require 15% to go on strike. That doesn't cut it. The parliamentary assistant suggested that the rest could maybe work on a slowdown. Let me tell you that according to the lawyers I have spoken to, if they were to slow down, that would be considered to be a breach of their professional conduct.

So here we have a government that is bringing forward legislation which will force public sector employees to be in a conflict between a bill that the government is rolling ahead with and the rules of professional conduct. I can tell you that the rules of professional conduct are certainly of a lot higher standard than this government understands or is presenting with this piece of legislation.

The second section, political activity: Quite frankly, if this had been separate bills, you would perhaps have had the Conservatives voting with the government on this, because political activity has been ruled by the courts to be in order.

The government has reduced the size of the group of people who are precluded from political activity under this legislation and in fact has allowed certain leaves of absence for senior public servants under certain conditions so long as they do not speak out on any area that affected the ministry in which they were engaged.

But I'm very worried about this section too, because this government has moved to an unusual degree in the politicization of the civil service. There can be no doubt about it that every government that this province has ever seen, and probably any province or the federal government has ever seen, has had some element of political appointees within its ranks. That is not what I'm arguing about.

But the fact that this government has moved to appoint as the most senior person, the head of the civil service, the man who headed the NDP's last provincial election campaign, David Agnew, is something that's absolutely disgraceful, because it means that for the taxpayer, when this government is defeated, as it undoubtedly will be in the next election—I'm not presuming to say whether it will be the Liberals or the Conservatives who will form the government. All I'm saying is, I am confident that the NDP will be wiped out as a power in this province.

When that happens, there can be no doubt about it that such appointments as David Agnew and his ilk will in fact have to be discharged. When you start discharging senior civil servants, there is a cost, and the cost is borne by the taxpayer, because it must be quite clear that it is unacceptable for any government to take over and accept as the most senior person in the civil service the man who ran the NDP's provincial campaign in the last election. So there is a problem that we have with the political activity.

2220

Turning to the last section of the bill, the whistleblowing, this completes some political promises that were made to the Liberals in their famous accord, but it is interesting to note how toothless this legislation is. When the NDP were in opposition, they always talked about some all-encompassing whistleblowing legislation. I note that the member for St Catharines, who has been around this House for a long time and has heard a lot of the NDP rhetoric, both from the government side and the opposition side over the years, is nodding his head in agreement.

This legislation on whistleblowing is useless because it establishes a council to tell the individual ministries that are accused of grave misconduct to investigate themselves. How utterly ludicrous.

Last night in clause-by-clause I introduced on behalf of the Progressive Conservatives an amendment which would allow the council to determine, if they considered the breach to be of such a significant nature that they thought it appropriate that the individual ministry not

investigate itself, that the council would have the discretion to request the Provincial Auditor, the OPP or the Solicitor General, or any other ministry which it thought appropriate, to come in and investigate that breach. The government voted it down. Why? That's the fundamental question.

In opposition you were in favour of putting teeth in whistleblowing legislation. This is the most toothless piece of legislation that you could possibly have brought forward. It is absolutely window dressing. If you had accepted my amendment, I would suggest that it perhaps might have worked, but instead you didn't, because in those great words, those immortal words of Robert K. Rae QC, "That was then; this is now." They don't want this to work.

The legislation, therefore, is toothless. The PCs believe in the political activity. We believe in the merit of whistleblowing legislation. We don't believe in giving the public service the right to strike, and we certainly don't believe in forcing people into unions without a democratic, secret vote.

Interjections.

Mr Drummond White (Durham Centre): No, you want to keep them on as contract employees for 30 years.

Mr Turnbull: It's quite extraordinary to hear heckling from the NDP about democracy. What you could possibly have with a secret vote that you find objectionable is completely beyond me. But that is the reason we will be voting against this legislation.

In wrapping up the last bill that I will be speaking to for this session before we wind down for Christmas, I would like on a more gentle note to wish my colleagues from all sides, the staff and all of the viewers a very merry Christmas, a very happy Hanukkah. Let's not get too serious about this.

Hon Ms Lankin: I want to start by saying what a delight it is tonight to have the opportunity to be here and to take part in the debate on this bill. It is an important moment for me.

There have been many moments of great pride since I've been in government. I think of issues like seeing the most progressive employment equity legislation brought to bear here in Ontario to provide fair pay and equitable pay situations for women in employment situations in this province. I think of employment equity legislation which is far-reaching, which will have a tremendous impact on our province.

I think of many experiences I had in the Ministry of Health: when we were able to extend, for the first time, funding to free-standing abortion clinics; when we were able to bring about the regulation of midwifery; for the first time tendering for a free-standing birthing clinic.

There have been many opportunities that I have had to experience great pride, but tonight I have to say, given the importance of this issue to myself and to many, many people who are very important to me, it's a moment I will cherish and remember as a contribution to this province and a contribution, I think, to the structure and to the operation of the Ontario public service.

Mr Speaker, I think that primarily tonight, because I

promised I would keep my remarks short—and I count on you, as you are always of great assistance during question period, to keep me to my time, to help me keep my attention on the clock—I intend to keep my comments primarily directed to the personal, but every now and then there are things that are said by members of parties opposite that beg some response.

I do have to say to the member for York Mills, who is a member of the third party, the Conservative Party in this province of Ontario, that to hear him argue that amendments that are being brought forward to the Crown Employees Collective Bargaining Act somehow are not reflective of democracy is absolutely absurd, given the role of the Conservative Party in government in bringing about the original Crown Employees Collective Bargaining Act, which completely obliterated rights for public servants.

It completely left public service workers to the realm of second-class citizens when it came to the world of collective bargaining and to trade union rights and to workers' rights. That was what democracy meant to the Tory party. That's what democracy often means to the Tory party when it's dealing with unions and workers' rights. It still does mean that and it smacks of hypocrisy to hear those kinds of allegations alleged across the floor.

Mr Turnbull: Talk about hypocrisy. This is the payoff, the ultimate payoff to Fred Upshaw, \$2 million.

Hon Ms Lankin: I will move back to my original intent, which was to speak to this issue from—

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I'm sorry to have to rise on a point of order, but twice before today members have had to withdraw the use of the word "hypocrisy," and another member two days earlier than this in this House had to withdraw the use of the word "hypocrisy." I bring to your attention that the honourable minister did just use that word.

The Speaker: To the member for Beaches-Woodbine, she will know that this word should not be tossed about loosely. I'm sure she would not want to say anything that was unparliamentary, nor would she wish to be a cause of disorder in the chamber. I would ask her to keep that in mind as she addresses the Chair.

Hon Ms Lankin: The Speaker certainly knows I wouldn't wish to be a cause of disorder in the chamber at any point in time. Let me say that I withdraw the comment. I think I feel very strongly about the allegations that were made by the member for York Mills. However, the main point of the comments I wanted to focus on tonight was comments of a personal nature. I will in fact focus on those.

It was in about 1978 when I first joined the Ontario public service. I joined the public service as a correctional officer at the Toronto Jail. I had, in the years prior to that—I was just recently graduated from university—been involved in student politics and community politics, municipal politics and provincial politics as an activist, as a person who worked in election campaigns, who strove to bring issues to the forefront of campaigns, to public attention and to advocate for change.

I found myself, as a member of the public service, at the first opportunity that an election campaign came along prohibited from participating in the electoral process, in the democratic process, because of legislative prohibitions that existed that said anyone who worked for the Ontario government couldn't go out and campaign, couldn't participate in an election of any sort. I found it odd to see that a jail guard working at the Toronto Jail would somehow be prohibited from exercising their democratic rights and being involved in an election campaign.

As I learned more about the issue and the prohibitions and what people would only be able to view as strange, I guess, contradictions that existed—for example, if you were a snowplow operator who worked for the Ontario government, you couldn't be politically active, but if you worked for the municipal government, you could.

I found that the law was one that was not a good law. It was one without basis in good public policy and as we finally saw, with reference from the courts and work that was done by the Ontario Law Reform Commission and years of lobbying on behalf of the Ontario Public Service Employees Union, a change has come about in which we see today legislation being passed—if I go back to the old days of the slogans that were around this and around reform of CECBA, “Free the servants”—that will free the servants, that will bring to them the right to be politically active as other citizens of this province are. As I got involved in that issue, I also got drawn to union activity, as I was a jail guard at the Toronto Don jail. Those were the first days I became involved with the Ontario Public Service Employees Union.

2230

As the members here know, I went on to become a staff member of that union and over many years experienced collective bargaining in the Ontario public service, first as a member, as a worker covered by the collective agreement, and then as a negotiator, negotiating on behalf of those workers, the regime that was in place under the Crown Employees Collective Bargaining Act.

It was a regime which really relegated public servants, public service workers, to second-class citizens with respect to labour relations rights, a law which said there are certain issues that can't be negotiated, on which the employer has the complete right to determine all conditions, as the union has no ability to address this in the realm of collective bargaining, a law that dictated that the parties, if they had issues in dispute, would resolve them by reference to binding arbitration, a system which doesn't place pressures on the parties to deal seriously with their issues, a system which doesn't allow for the maturation of labour relations within the Ontario public service.

We see today changes to the Crown Employees Collective Bargaining Act that the union, of which I was a member and in which I was employed for a number of years, has been fighting for for 21 years, since the first piece of legislation called the Crown Employees Collective Bargaining Act came into place. I myself have been involved in the struggle for the change of this legislation for 15 years.

The third issue, whistleblowing, is a very important issue and it's often been made light of in the House. People refer to, if there's a leaked cabinet document and the source of the leak is being investigated, somehow that runs against our commitment to whistleblowing. The people who have fought for this legislation for years are talking about much more serious circumstances than that. They're talking about where public servants, public service workers, become aware of serious wrongdoing in the public service, and as their responsibility and their duty to the public want to have a mechanism to be able to bring that to public attention, a mechanism in which they are protected.

You can look back into the cases in history in which individuals have come forward because their conscience dictated, as good public servants, that they bring these issues forward and that they serve in their duty to the public in the most responsible way by making these issues transparent to the public, and in which they have suffered the consequences of employment loss as a result of having violated their oath.

What we're putting in place is a regime and a process by which people can bring these issues forward and have it determined that their issues are not of a frivolous nature or not of a mistaken nature but of a serious wrongdoing, and they can have those issues viewed and investigated and made public. It is an opportunity for the dedicated workers in the Ontario public service to continue to show how they want to serve the public.

There are many people who have for a number of years been fighting to see these changes. I indicated that I've been involved with these issues for 15 years. I remember, during the period of the accord between the Liberals and the New Democratic Party that as an executive member of the New Democratic Party, I was able to have some of these issues written into the accord as part of the agenda for the Liberal government. Those issues were never delivered on. They didn't materialize in terms of legislated change.

Finally, I'm having an opportunity, in government, to see these issues highlighted in the throne speech and eventually to have been worked through in an omnibus bill brought forward tonight, and to see all three pieces of legislation being amended, being brought into this next century, and to really set the stage for major reform with respect to labour relations in the Ontario public service and to allow for that maturation of the parties in their relationship with each other. I think it presents an opportunity for a tremendous basis for the future.

Before I close, because I did promise people that I would keep my remarks short tonight, I want to indicate that there are people who have joined us tonight in the gallery from the Ontario Public Service Employees Union. We're pleased to welcome them here tonight: John Ford, Walter Belyea, Andy Todd—Andy, I will indicate, was my direct employer and boss for a number of years and I'm pleased to see him here tonight; he himself has been working for reform to CECBA for 20 years and I'm sure this is a night that is important to him—Frank Rooney and Bill Kuehnbaum, who is the vice-president of the Ontario Public Service Employees

Union. Their presence here tonight is important. It indicates at this late hour how important they think these reforms are.

Again, may I say that I am delighted to have had this opportunity to speak on this bill and I'm delighted to see this very important legislation be passed by this Legislature of Ontario and to form the basis for a new relationship in the Ontario public service and for the future of collective bargaining for Ontario public service workers.

The Speaker: I thank the member for Beaches-Woodbine for her contribution to the debate and invite any questions and/or comments.

Mrs Marland: I'm just wondering how the honourable minister feels about this bill versus Bill 48, the social contract bill that we passed in the summer, which I certainly recall this minister voting in favour of. I think, in light of her comments on behalf of organized civil servants and others in this province, it's rather a contradiction for her to stand in the House tonight and speak so strongly in support of this bill, having voted in favour of Bill 48, the social contract, less than four months ago.

Mr Norman W. Sterling (Carleton): I just want to say that I appreciate the minister's response or her comments on this bill because I think they are sincerely made. I only want to say to her that she may view the other side as being biased, but I think that her comments come from an experience in her time working within the public service, which quite frankly doesn't represent what in fact the Ontario public want with regard to their relationship with their public servants.

I just want her to know that when we get late on in the session, while I respect her comments, I vehemently oppose this kind of legislation which does not take into account the respect for the whole other part of the equation. The whole other part of the equation is the interests of the citizens of Ontario in dealing with the public servants, the security of those public servants when they are dealing with their employers, and also this horrendous apparatus that is being set up to whistleblow.

Quite frankly, it will not work, in my estimation. This bill will pass, but it will be a problem because if you give someone the chance to go to a commissioner either to be judged whether or not this is a worthwhile matter which should be exposed or you put that matter in a brown paper envelope and send to somebody, I think I know which option that particular individual will take. I think this legislation is impractical for that reason.

Mr White: I'd like to comment upon my colleague's words. I thought that they showed a great deal of depth of experience and a fullness from that depth of experience that was frankly quite moving. She spoke of years and years of struggle, of injustices, frankly, that this legislation is finally correcting, and I think it behooves us to pay attention to that richness of experience—

Mr James J. Bradley (St Catharines): Did you vote for the social contract?

Mr White: When we talk about the social contract, that is another issue which really does merit some exploration, but it's not an issue that merits exploration this evening.

I want to again compliment my colleague on behalf of my riding and the many public servants in my area who have benefited from this legislation and from her guidance.

Mr Bradley: I find it interesting that a government which has, I think in about the last month, broken three different strikes in the education sector is introducing legislation or at least dealing with legislation in its final stages this evening which will give public servants the right to strike.

That could mean that they're giving them the right to strike only to remove that right to strike or order them back to work whenever it's convenient to the government, just as happened, for instance, in Saskatchewan. The NDP government in Saskatchewan ordered the nurses back to work before they even went out on strike because there was a provincial election coming up and it wanted to ensure that those people would be back to work or on the job during that provincial election.

2240

It seems a contradiction that, on one hand, you would be advocating legislation which would provide the right to strike, and on the other hand, your record over the last few weeks has been one which is breaking one strike after another. Where there's legitimate collective bargaining taking place, where people have had the right to strike since 1975, where in opposition you voted against every one of those back-to-work bills, you have now sent the teachers back to work on all those occasions.

The second part I would comment upon is the so-called whistleblowing provisions. Again, what is contained in the bill and what your government has been doing over the past several months are two different things. I know there's a quarrel with my friend the Premier over the definition of who's responsible for this, but your government, through its civil servants, through ministers who communicate with those civil servants, has in fact had the OPP investigating members of the news media, members of the opposition and no doubt trying to trace back to civil servants who is providing information in brown envelopes.

Once again, on the one hand, you're providing an opportunity for whistleblowing, and on the other hand, your record is that you keep taking it away.

The Speaker: The member for Beaches-Woodbine has up to two minutes for her reply.

Hon Ms Lankin: The member for St Catharines who just joined us I think missed my comments earlier. I'm pleased to be able to repeat that part of it and say that I think his continued comments of references to leaked cabinet documents and the process of those leaks and the existence of leaked documents being investigated as somehow being equivalent to whistleblowing or being contradictory to the government's intention and desire to have whistleblowing protection diminishes the importance of this piece of legislation and of the lives of people who have been destroyed in the past because they have come forward with matters of conscience, with serious wrongdoings that they thought needed to be exposed and become transparent for the public. I wish he would make

those distinctions. I think they are important distinctions.

To the member for Carleton, may I say that he talks about a cumbersome process and one that he thinks will not work. We will do our best to make this process work. We will try to work with it and we will improve it if it needs improvement. But this is an important event where now we will have protection in place, where people like Mr MacAlpine, who lost his job for coming forward, for exposing the kind of wrongdoing that was going on in the Ministry of Natural Resources at the time, will be protected in the future, unlike they were under your government. Again, if there are criticisms with respect to how the process works, those are things we can deal with in the future.

May I say to the member for Mississauga South, as the House draws to a close and as we all share moments of cheer, even her negative comments tonight cannot take away my joy at seeing the passage of this very important legislation.

Mr Steven W. Mahoney (Mississauga West): It's nice to see the leader of the third party is joining us this evening. One of the things that's most interesting is the number of cabinet ministers we have here for this bill. I think we should have question period. There are more cabinet ministers, including the Premier—all the heavy-hitters are here—for this labour bill once again than we get at a normal question period.

Hon Floyd Laughren (Deputy Premier and Minister of Finance): Go ahead.

Mr Mahoney: You'd like to, I'm sure. Maybe we'd get an answer. My first question is, which one of you is on this list? Who's here? Oh, that's a long list. There's a couple of heroes there, but it is interesting. It tells me something.

Hon Mr Laughren: Ask the question.

Mr Mahoney: I guess the question is, why are you here? Let me answer it. I have an opinion.

It seems to me that, when we dealt with Bill 40 in the final reading, the cabinet benches were full and the back benches were full. Of course they were all in here as good trained seals and whipped to attention. When we dealt with Bill 80, the Premier came in and decided he had to speak. It's very unusual, you will admit, Mr Speaker, for the first minister of the province to actually come in and address a piece of legislation that's been going through the process—not unprecedented, but very unusual.

Then we go to another labour bill, Bill 117, complete with members of the union in the audience, and once again we wind up with a plethora of cabinet ministers.

Interjections.

Mr Mahoney: We'll get the dictionary out, Mr Speaker.

We'll get the dictionary out for the members opposite. I guess you could call it a gaggle, a large group, shall we call it, of cabinet ministers obviously and including the Premier, who I understood was going to speak to this particular bill to celebrate the point at which he finds his government but is now not going to speak.

But I find it quite interesting that it's only labour bills. Look what else: I ask you, where were you when we dealt with the Windsor back-to-work strikebreaking legislation? Where were you?

Hon Mr Laughren: You supported it.

Mr Mahoney: Oh, but where were you? Why weren't you here? The Treasurer was here because the minister responsible for it wasn't here and he read it for him. But why did we not have a large number—

Hon Mr Laughren: Never. Public responsibilities.

Mr Mahoney: Could it be that the cabinet in the Bob Rae government was embarrassed at passing its third strikebreaking legislation? Could it be that the same group of men and women, who when in opposition would have stood and railed for hours and perhaps days against strikebreaking legislation, are just a little embarrassed? I ask you. It seems to me a fair question, and since this is not question period, I'll answer my own question. I think the answer is yes, they're embarrassed. They weren't here for that.

Where were they on Bill 121, when they're borrowing—I use the word tactfully so as not to be unparliamentary, Mr Speaker—from the teachers' pension, from their own future?

Mr Bradley: Borrowing?

Mr Mahoney: Well, someone said stealing, but I wouldn't say that. Borrowing, adjusting, playing games, paying off the leadership in the teachers' union in some way so they can sort of play funny games with the teachers.

Mr Speaker, you weren't here when we were in government—I understand you were before—but I'm sure you watched with some eagerness. It must have been rather interesting for you to watch the howls of outrage and the accusations of manipulation against the former Treasurer, Robert Nixon, over—what?—teachers' pensions. Interesting. They weren't here. We have 16 of them here for a labour bill. They don't have the courage to come in and deal with the other bills they put on. Where were they when they took place?

I find it passing strange, but not hard to figure. It is quarter to 11 on Tuesday—

Mr Murray J. Elston (Bruce): December 14.

Mr Mahoney: December 14, my House leader says—and we have 16 cabinet ministers in here to celebrate another labour bill.

Let me tell you, Mr Premier, the problem with these bills is that the public at large doesn't really understand and frankly doesn't care what you're doing with this stuff. The taxpayers are so beleaguered they're simply trying to survive and they don't really understand that down the road there will be a major price to pay for Bill 117.

The minister knows it. Talk to me about the fact that in here this government is putting in place a system that will allow arbitrators to determine what are essential services in this province. Explain to me why this government would abdicate its responsibility to the taxpayers at large to determine on your own what are essential

services and then move on from there.

Explain to me what we're going to do in 1996 when this Premier and this government are nowhere to be seen and are simply a bad memory for most of us. Explain to me what we're going to do when the people come back and say: "I just happen to have some Rae days that I've been saving up. Here they are. You guys owe me some money and I want to sit down and talk." If we don't pay, I suppose there's a potential for a right to strike in there.

2250

Now, the question that the minister who so proudly stands up as a former minister and champion of OPSEU, who was nowhere to be seen during the recent social contract debate—I don't even need that picture again. She voted for it. The Premier voted for it. The Minister of Labour, of all people, voted for the social contract. That piece of legislation will come back to haunt the future taxpayers of this province for years to come, and they know that.

Many little tricks are being played; unrelated to labour but just to give you an example, the fact that they now sell licences six years in advance. What does that mean? People think: "Well, that's really convenient. I don't have to come back for six more years to get my driver's licence renewed."

Well, isn't that wonderful. Thank you very much.

Mr Bradley: Stick the next government with no money.

Mr Mahoney: As my colleague from St Catharines says, where's the money? You're taking six years of revenue for just that one service into your current budget. What is it going to do for future governments? In a best-case scenario, you have two years to live and breathe as the government of this province. Best case for you; worst case for everyone else. In reality, it's more likely 18 months. So in 18 to 24 months, you're collecting six years of revenue. What is the next government to say when it doesn't have that revenue base to call on? "Well, we can't help it. The former guys took all the money in and they spent it because they mismanaged the economy and they ran \$10-billion deficits each and every year."

This is the kind of trickery that is going on, and the only bills that can be brought into this place that deal with what you call democracy and what you call collective bargaining are bills that either pander to certain leaders in the labour movement or are paybacks because of other legislation that you've introduced, such as the social contract.

What is this? I wonder how Fred Upshaw really feels in his heart of hearts about picking up 8,000 new members, potentially; 2,000 right off the bat. The minute the Lieutenant Governor proclaims this this evening, immediately following these debates, Fred Upshaw becomes richer by 2,000 members, and those 2,000 members have no choice but to go along with the dictates of this government as to who will bargain on their behalf.

I ask you, why should they not have a choice? How can you possibly define that kind of activity as democratic? Whose eyes are you pulling the wool over? It's truly amazing. Talk to me about the veterinarians. We put

some amendments today. We asked you to be fair.

I know, I know, I know; I see the clock. I won't be long. There are people in the community who have called and said: "We would like to have a choice as to who bargains for us. Can you put an amendment forward?" We said, "Certainly we can." We talked about the veterinarians in the employ of the public service, we talked about the dentists and we put amendments, only to have them voted down by this arrogant majority government.

We talked about six landscape architects working in the Ontario public service who said: "We would like to have some say towards who bargains on our behalf. We think we are a unique group within the Ontario public service." Would it break Mr Upshaw's heart to lose the revenue from the union dues from six landscape architects? I hardly think so.

What is the government's response? "Sorry. We're going to make the decision for you. Bill 117 is going to go through intact. We are going to ignore those pleas." Why not just adopt our amendments? At one time it was suggested to me that the government was actually going to put a friendly amendment to our amendment to exclude the dentists, to allow the dentists to have a say in who negotiates for them. We were approached by one of the parliamentary assistants who said they were prepared to include the architects. I don't understand what happened. All of a sudden, that fell right off the table. They voted against the amendment on the architects; they voted against the amendment on the dentists and they voted against the amendment on the veterinarians. You call that democracy? I call that pigheaded stubbornness. I call that anything but a democratic process that ignores the concerns and the pleas of three very small minority groups within the public service which simply asked for a little fairness.

One final comment on the whistleblowing. The concern I have with the whistleblowing is: Who's actually going to adjudicate? As I understand it, the complaint will go to the deputy, and if the deputy can't resolve it, it will ultimately go to the minister. The purpose of whistleblowing is to take away the potential for political interference or political intimidation. Is someone who is blowing the whistle on a wrongdoing in their department going to have the confidence they will need to approach a deputy minister, ultimately a cabinet minister, and put their future in the hands of that individual?

The principle is fine. I support the principle. The concern I have once again, as in many of the instances, whether it's occupational health and safety or anything that this government does—the principles are fine; it's the implementation of the act and the principles that this government is just totally incapable of dealing with. Now you're going to say to a public servant: "Don't worry about a thing. We're going to take your complaint up to a deputy minister and you can rest assured there will be no retribution to you."

I suggest to you that many of the men and women who work in the public service are not going to have the confidence to make those complaints. In fact, this is an attempt to live up to a throne speech promise that was

made three years ago by the Premier in this place. But it is just a fob; it is phoney; it will not work because the implementation procedures are not there to ensure that there will be impartiality, to ensure that there will be fairness, to ensure that all intimidation will be taken out of this piece of legislation.

Once again, as has been referred to, the politicization of the public service is unprecedented under the direction of Bob Rae; it is unprecedented under the direction of David Agnew. There is no reason for us in opposition, or for anyone in this province, to have any sense of confidence that anything is going to change under this legislation.

Mr Speaker, I appreciate your patience. I've talked longer than I intended to. We are very much against this legislation. We feel it is simply a payback on the part of the Premier. The fact that they're all here celebrating this tonight—I assume there'll be some kind of a candlelight wine and cheese party to which everyone—I'm sure not us—will be invited to celebrate: one more stake in the heart of this province of Ontario; one more trophy for Bob Rae and the labour leaders he's giving in to on this one; one more opportunity for this socialist Premier to say "I'm very sorry" to Fred Upshaw and Sid Ryan and everybody else in this. "I'm very sorry; here's a little something for you."

It's phoney and it's wrong.

The Speaker: I thank the honourable member for Mississauga West for his contribution to the debate and invite any questions and/or comments.

Mr Michael D. Harris (Nipissing): I just want to briefly comment on the remarks that've been made by the member for Mississauga West. I particularly want to address the 2,000 very dedicated public servants of the province of Ontario whom the Minister of Economic Development and Trade—we used to call it "Industry" when we used to have jobs in Ontario and people wanted to come to invest and work in Ontario—a former OPSEU negotiator and member of the union, has spoken on behalf of tonight.

2300

She has indicated that the former Tory government of 42 years and the former Liberal government would not—

Mr Anthony Perruzza (Downsview): Oh Mike, don't undermine confidence. This is the best province in which to work and in which to live.

The Speaker: Order. The member for Downsview, come to order.

Mr Harris: —force these 2,000 people to join the union and give \$2 million to OPSEU. The minister is quite right. We would not force these 2,000 to join OPSEU; we would not force these 2,000 to pay the \$2 million to join the union. In fact this government has said to 7,000: "You can have a choice. Do you want to join a union? If so, which union?" But for 2,000, they've said: "No choice; \$2 million. You've got to join OPSEU; you've got to pay up."

I'm proud to stand here and say that for 42 years we gave a choice. I want to tell you something else: Eighteen months from now our commitment is that we will give

these 2,000 another choice. If you don't want to pay \$2 million to OPSEU, you don't have to pay \$2 million to OPSEU.

I want to speak as well on behalf of 94% of the nurses at the psychiatric hospital in North Bay, who said: "No way. We don't want to join OPSEU. We don't want to pay our union dues there." And so I lend my support to—

The Speaker: The member's time has expired. Would the member take his seat, please? Further questions and/or comments? The member for Downsview.

Mr Perruzza: Just very briefly, just to put on record, I am proud to live in this province, I am proud to work in this province, because I believe that this province continues to be the best place in the world in which to work and in which to invest and in which to live.

Mr Bradley: I would be remiss if I didn't comment on my colleague's eloquent and loud speech this evening in this House, but he had to speak loudly because there was a din of discussion going on on the other side while he was here.

He was saying that this was going to curry favour with perhaps one or two of the unions within this province, but I want to ask the member whether or not he could hear the very large noise I heard when the OFL convention was on in Toronto and people were banging at the front door and they were trying to get in to protest the policies of this government. These were members of the trade union movement who had come up the street who were disgusted. They were the ones who were among those who had this list.

Mr Gordon Mills (Durham East): I'm fed up looking at that.

Mr Bradley: Well, I'll put this down because the member for Durham East is fed up looking at it, he said. But I was wondering if my colleague from Mississauga West could not hear outside the tumultuous protest of people in the trade union movement who felt they had been betrayed by this government, which removed the right to collective bargaining for thousands upon thousands of public servants in the province of Ontario.

Probably among that group out there were members of the teachers' union who had already had the government break two of their strikes in this session. Of course the protest didn't do much good, because today in came another bill to break a strike. We didn't have the Premier in for that bill, we didn't have the Minister of Labour, we couldn't find anybody who wanted to introduce it. I was wondering whether he had heard that protest at the door. I think Buzz Hargrove was out there too.

Mr Chris Stockwell (Etobicoke West): I would just like to say that even the government members, I would think, would say that if it was a fair and honest approach to organizing a specific union and asking people if they wanted to join a union, they would be given an option. Everyone deserves an option whether to join or not to join. Some would choose to and others would not. You'd think that they would allow these 2,000 employees a right to vote. What is more democratic and fundamental in this country that we live in than the right to vote as to whether or not you want to be part of or participate in

organized labour?

I would say it would make sense to me that they should be allowed to have a secret ballot to tell this government whether they think it's appropriate—

Mr George Mammoliti (Yorkview): Will they reap the same benefit?

Mr Stockwell: —or acceptable on their part to become part of this organized labour.

Mr Mammoliti: Hey, Stockwell, I'm asking you a question.

Mr Stockwell: I hear the member for Yorkview. Excuse me?

Mr Mammoliti: I'm asking you a question.

Mr Stockwell: I didn't hear his question, I'm sorry.

All I would say to the government members across the floor is that if you're so certain that these 2,000 people are prepared to join this union, are prepared to have a union negotiate on their behalf, why is it you will not give them the most fundamental and basic right any person in a democratic society would demand, and that's the right to freedom of choice: the choice to be represented, the choice to belong and the choice to pay union dues.

Mr Mammoliti: Stockwell, in your world, will they reap the same benefits?

Mr Stockwell: I say to you, Mr Speaker, through you to the minister, and to the member, if you don't give them that option I can only say this is not a choice; this is dictatorial. Any time you bring in legislation that dictates people and what they can do, I will always stand and oppose.

The Speaker: The member for Mississauga West has up to two minutes for his reply.

Mr Mahoney: First of all, I thank the leader of the third party and the member for Etobicoke West for their comments because I think, fundamentally, they hit the basic issue, which has to do with the freedom of choice and the democratic right of those 2,000 members. I also raise the point of the democratic right of the veterinarians, the dentists and the landscape architects, which have been ignored.

I want to make a point. My colleague the member for St Catharines asked whether or not I heard the ruckus that was going on out on the front lawn. Mr Speaker, I did. I heard it. You know, I assumed, just listening to the noise, that it must be those Bay Street guys who are storming the doors in the Legislature who are upset with this government. It must be—I don't know—Judith Andrew and small business, the CFIB, out front, upset with what is going on.

I never for one minute assumed that it would actually be the disciples of Gordon Wilson who would be on the front lawns of this august palace trying to tear down the pillars and get at the very roots of the person they think has betrayed them. I was quite shocked to find that out, because the reality is that the vast majority of the men and women who work around this province and belong to a trade labour union of one type or another are not socialists. They don't carry a card in any party, as a

matter of fact. They are simply men and women who want to get through the day, who want to solve the problems of their own families.

Mr Bradley has a card, I know.

Mr Bradley: I have my NDP card.

Mr Mahoney: They're simply people who believe in democracy. They all sit there and they say, "I cannot believe I am seeing with my own eyes Bob Rae and the New Democrats betray me and betray democracy." It's quite a shock to the entire province.

The Speaker: Is there further debate? If not, the member for Kitchener-Wilmot has an opportunity to wrap up.

Mr Cooper: I'd like to rise today and thank all members of the House for their participation in this debate. While we recognize there are some ideological differences, I thank the two opposition parties for their participation and recognition that there are some difficulties with this legislation with some people.

What I'd like to do is commend the staff from the Ministry of Labour and the staff from the Management Board who spent countless years trying to get this legislation together. We're thankful that we now have a new dawn that encourages more democratic and open labour relations between the government and its employees.

I'd especially like to now take a page out of the member for Mississauga West's book, who quite often brings up his father in some of the debates on labour legislation, and thank my father, Vic Cooper, 20 years ago—who's always been a public servant—for bringing this to my attention. He's fought long and hard for some of the things that were brought forward in this bill.

I thank all members for their participation.

2310

The Speaker: Mr Cooper has moved third reading of Bill 117. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

Resolved that the bill be now passed and be entitled as in the motion.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, His Honour the Lieutenant Governor awaits to give royal assent.

His Honour the Lieutenant Governor of the province entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

SANCTION ROYALE

Hon Henry N.R. Jackman (Lieutenant Governor): Pray be seated.

The Speaker (Hon David Warner): May it please Your Honour, the Legislative Assembly of the province has, at its present meetings thereof, passed certain bills to which, in the name of and behalf of the said Legislative

Assembly, I respectfully request Your Honour's assent.

Senior Clerk Assistant and Clerk of Journals (Mr Alex McFedries): The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 26, An Act respecting Environmental Rights in Ontario / Projet de loi 26, Loi concernant les droits environnementaux en Ontario

Bill 31, An Act to amend the Income Tax Act / Projet de loi 31, Loi modifiant la Loi de l'impôt sur le revenu

Bill 33, An Act to amend the Representation Act / Projet de loi 33, Loi modifiant la Loi sur la représentation électorale

Bill 47, An Act to amend certain Acts in respect of the Administration of Justice / Projet de loi 47, Loi modifiant certaines lois en ce qui concerne l'administration de la justice

Bill 50, An Act to implement the Government's expenditure control plan and, in that connection, to amend the Health Insurance Act and the Hospital Labour Disputes Arbitration Act / Projet de loi 50, Loi visant à mettre en oeuvre le Plan de contrôle des dépenses du gouvernement et modifiant la Loi sur l'assurance-santé et la Loi sur l'arbitrage des conflits de travail dans les hôpitaux

Bill 51, An Act respecting the Restructuring of the County of Simcoe / Projet de loi 51, Loi concernant la restructuration du comté de Simcoe

Bill 74, An Act to amend the Highway Traffic Act / Projet de loi 74, Loi modifiant le Code de la route

Bill 79, An Act to provide for Employment Equity for Aboriginal People, People with Disabilities, Members of Racial Minorities and Women / Projet de loi 79, Loi prévoyant l'équité en matière d'emploi pour les autochtones, les personnes handicapées, les membres des minorités raciales et les femmes

Bill 80, An Act to amend the Labour Relations Act / Projet de loi 80, Loi modifiant la Loi sur les relations de travail

Bill 100, An Act to amend the Regulated Health Professions Act, 1991 / Projet de loi 100, Loi modifiant la Loi de 1991 sur les professions de la santé réglementées

Bill 117, An Act to revise the Crown Employees Collective Bargaining Act, to amend the Public Service Act and the Labour Relations Act and to make related amendments to other Acts / Projet de loi 117, Loi révisant la Loi sur la négociation collective des employés de la Couronne, modifiant la Loi sur la fonction publique et la Loi sur les relations de travail et apportant des modifications connexes à d'autres lois

Bill 121, An Act to amend the Teachers' Pension Act / Projet de loi 121, Loi modifiant la Loi sur le régime de retraite des enseignants

Bill 122, An Act to amend the Highway Traffic Act / Projet de loi 122, Loi modifiant le Code de la route

Bill 125, An Act to amend the Education Act / Projet de loi 125, Loi modifiant la Loi sur l'éducation

Bill 139, An Act to Settle the Dispute between The Board of Education for the City of Windsor and its

Elementary School Teachers / Projet de loi 139, Loi visant à régler le conflit entre le conseil de l'éducation appelé The Board of Education for the City of Windsor et ses enseignants des écoles élémentaires

Bill Pr67, An Act to revive All-Wood Clearing Ltd.

Bill Pr68, An Act to revive Le Groupe Concorde Inc.

Bill Pr73, An Act to revive Ukrainian People's Home in Preston.

Clerk of the House (Mr Claude L. DesRosiers): In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.

Au nom de Sa Majesté, Son Honneur le lieutenant-gouverneur sanctionne ces projets de loi.

The Speaker: May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the Province of Ontario, in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance a bill entitled An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending on the 31st day of March, 1994 / Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 1994.

Clerk of the House: His Honour the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

Son Honneur le lieutenant-gouverneur remercie les bons et loyaux sujets de Sa Majesté, accepte leur bienveillance et sanctionne ce projet de loi au nom de Sa Majesté.

His Honour was then pleased to retire.

TOBACCO CONTROL ACT, 1993

LOI DE 1993 SUR LA RÉGLEMENTATION
DE L'USAGE DU TABAC

Resuming the adjourned debate on the motion for second reading of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to regulate its Sale and Use by Others / Projet de loi 119, Loi visant à empêcher la fourniture de tabac aux jeunes et à en réglementer la vente et l'usage par les autres.

The Speaker (Hon David Warner): The member for Ottawa South had the floor last time. He is not present in the chamber. Is there further debate on this bill?

2320

Mr Jim Wilson (Simcoe West): I'm pleased to spend just a few minutes to debate second reading of Bill 119, the government's tobacco act. I just want to say at the beginning that I think it's kind of sad that we're debating this very important piece of health legislation at 20 after 11 on the last day that the Legislature will sit for this session this year.

None the less, I want to begin by commending the government for presenting this legislation, which is designed to combat the problem of tobacco consumption and specifically designed to stop people from starting to smoke. I think the social and health components of this

legislation are essentially good and necessary if we are to dissuade adolescents from starting down the treacherous path of tobacco use. I'm looking forward to the public hearings which will occur in the social development committee, I believe beginning in February, because while the government has expressed its good intentions with respect to curbing the consumption of tobacco use through this legislation, I think we will find, and are finding since its introduction by the Minister of Health, that there are a number of very serious concerns with respect to this legislation.

I want to say from the beginning that if the government wanted an easy ride and was looking for good-news health legislation, it perhaps would have wanted to have considered omitting from this legislation the provision that bans the sale of tobacco from pharmacies and perhaps the provision that deals with running vending machine operators out of business and perhaps some of the other provisions that deal with the rather all-encompassing powers of the tobacco inspectors. I want to deal with a couple of those points this evening in the short time I have for the debate.

I think the biggest outcry that's accompanied the introduction of Bill 119 has come from those pharmacists who see this legislation as a legitimate threat to their survivability. I want to say at the outset that while the bill is well intended, the Ontario PC caucus very much sees this provision that bans the sale of tobacco in pharmacies as not a health issue but as a freedom-of-business issue. I cannot emphasize that enough.

I want to really just do two things in the short time I have. One is to read excerpts of a letter that was sent to all members of the Legislature from the Committee of Independent Pharmacists. That is the committee representing the small-town and small pharmacy operations in the province of Ontario. Attached to that committee's letter was a key, and that key is meant to symbolize a couple of things. It could be the key that opens up pharmacies in this province or it could be the key that will lock the doors of pharmacies that will close as a result of this legislation.

The Committee of Independent Pharmacists writes:

"This uncut key is symbolic of the keys to the front doors of our community pharmacies.

"If the Ontario government's proposal to ban tobacco is passed and includes a provision to ban the sale of tobacco products by pharmacies, then you and your colleagues"—and they're writing to MPPs—"can expect to receive approximately 300 genuine keys from pharmacists across the province who have been forced to close.

"These pharmacists will no longer have any use for their real keys because they will literally be out of business. Many community drugstores will disappear from the Ontario landscape.

"Not only will so many stores close but the total job loss will extend to every pharmacy in the province. Of those pharmacies who are able to survive, many will be forced to lay off people.

"Because tobacco represents such an important cash flow to our businesses, we have calculated, based on a

comprehensive survey that in many stores seven people or more will have to be terminated. These job terminations taken together with pharmacy losings could very well lead to the loss of up to 10,000 jobs....

"This key represents closed pharmacies, lost jobs, decreased hours of operation and a reduction of health care services such as extended hours and emergency prescriptions. Think of the impact on the sick and aged in your constituency. The people in your area will be the ultimate losers."

That's the end of the quote from the committee's letter to MPPs. I think there are some very legitimate concerns expressed in this letter that will be the subject of debate during the committee hearings beginning in February.

I want to read very quickly from a second letter that was faxed to me today, from a Mr Alwyn Geen of Geen's Prescription Pharmacy Ltd in Belleville. I have to say in all sincerity that in my two and a half years as Health critic I have never seen a letter as poignantly and as well put together and as eloquently stated as this letter that was faxed to me today by Mr Geen. It's in response to a survey that my party sent out, a letter that I sent out to 5,600 pharmacists in the province of Ontario explaining our position with respect to the banning of the sale of tobacco products in pharmacies and also enclosing with that letter a survey that I am encouraging all pharmacists to send back to me. I owe a great deal of thanks to Mr Geen and I want all members to pay attention for just a few short minutes and to listen to what Mr Geen has to say.

In his letter Mr Geen speaks poignantly of the threat posed by Bill 119 to the great tradition of pharmacy in this province. He should know of what he speaks because his family has operated its pharmacy in Belleville for the past 122 years. Mr Geen has several concerns with this legislation which I believe that all members of this chamber should be made aware of. He says in his letter:

"The role of pharmacists has changed enormously over the many years since my grandfather took over the existing drugstore in 1871 and the newly formed college of pharmacy granted him a licence as a chemist and druggist.

"Besides compounding the occasional prescription, we traded in all sorts of things to make a living such as crude bulk chemicals, paints, oils, glass, spices. In 1907 my father graduated with a licence from the college of pharmacy, and in this era many of these former items were discontinued to be replaced by such things as stationery, books, prayer books, patent medicines, office supplies, and more and more cosmetics and a wide range of health and beauty aids, specialty soaps and fragrances imported from Britain. We were a licensed stamp vendor and a wholesale magazine vendor....

"It has always been necessary in a drugstore to have other sources of income to support the dispensing operations. Prescriptions alone cannot cover the heavy overhead, the complex bookkeeping, the high salaries for the pharmacists, the rent, the costly deliveries to the senior citizens, and so on. The successful drugstore makes up for the costly overhead with its wide-range mix of products to entice the customer. Drugstores have

become mini department stores, and the drug dispensaries reap the benefit. Today tobacco sales form a stable percentage of the business. In some cases I understand tobacco sales represent 25% of sales. So much for history.

"In all drugstores you will find the tobacco counter at the front, the dispensary counter at the extreme back. In other words the tobacco counter and the dispensary are from 50 to 100 feet apart, and in fact live in different worlds.

"To those who say tobacco should not be sold in pharmacies because it is an addictive drug, I say that is as illogical as saying wine and liquor must not be sold in Liquor Control Board stores because they are addictive. After all, as pharmacists we know all about addictive drugs. That is our profession, that is why we go to university and are granted a licence to dispense drugs. We stand ready to counsel tobacco addicts when they are ready to quit the habit. You won't find drug counsellors in food stores or pool rooms. If pharmacy and tobacco is a questionable mix, food and tobacco is even more so.

"In my three stores, the collective profit from the sales of tobacco is approximately \$90,000 which just about equals the wages of seven clerks. Along with the loss of \$90,000 goes the loss of profit from all the companion items the customer often purchases at the same time. The loss of all this profit will necessitate reduction of our workforce. At the present time, I employ 81 persons full- and part-time.

"As you well know, pharmacies have been hit by the social contract legislation. Although a referee had recommended a small increase in our former fee of \$6.47, the NDP reduced our dispensing fee to \$5.85 retroactive to April 1993, and there is no guarantee that it won't be further reduced in 1994. The minimum wage goes up in January 1994 and on top of all of this we are being forced to eliminate the sale of tobacco. I wonder why the NDP government has chosen to pick on pharmacies as their whipping boys." I'm glad the Premier is here to hear that.

2330

"The Ministry of Health needs economically viable pharmacies for efficient distribution of Ontario drug benefit drugs. Let me summarize what will happen if this nefarious legislation passes:

"(1) The loss of income will certainly place a great many pharmacies in financial jeopardy.

"(2) A large number of jobs will be permanently lost, perhaps as many as 4,000 (1,300 pharmacies who sell tobacco multiplied by three jobs per pharmacy).

"(3) Some smaller pharmacies will just give up the ghost.

"(4) Low morale and bitterness abounds now among the pharmacy staff. We work long hours, are subject to the vagaries of government and bureaucracy and the constant changing of the ODB plan. We have to face the wrath of the public when such changes occur.

"(5) The tobacco addicts we service will look for other sources of supply, some of which are assuredly going to be illegal.

"(6) Minors do not usually patronize drugstores because of our strict interpretation of the age laws, so this legislation will mean nothing to them. They will continue to obtain tobacco wherever they are getting it now.

"(7) The proponents of this legislation will no doubt celebrate having forced the implementation of an unjust and discriminatory legislation in an exceedingly undemocratic manner.

"(8) There will be no difference in the amount of tobacco consumed."

"My business has survived through one fire, two floods, three wars, the Great Depression, and the current recession. We now have to bear the onslaught of an arrogant and oppressive government and we shall endure."

There are a number of other issues with respect to this legislation that need to be examined by the public and by members in the committee hearing process. I'm pleased that the government has agreed to not ram this legislation through all three readings in this session. They have agreed to an open and public debate. In fact, I understand that we may have as much as four weeks of public hearings.

I'm sad to see that the pharmacist profession in particular is being divided by this issue. I hope that when all is said and done, they will be able to unite and to once again speak with a united voice to the government, because pharmacists are being clobbered pretty hard by this government. Their profitability, their ability to make a living at the back of the store in the dispensary has been hit hard by the social contract and by other actions taken by the Ministry of Health and the government of Ontario.

Now the government is saying, "Although 28,000 other stores in the province sell tobacco products, pharmacies, you can't sell tobacco products." We see it as a business issue; we see it as a freedom-of-business issue. In my party's constitution we've enshrined the right to carry on business in a free and democratic society and I cannot support, even though I'm Health critic, the provision of this act which calls on pharmacies to stop, and actually prohibits pharmacies, selling tobacco products.

The college of pharmacy and Ontario Pharmacists' Association have had in place a voluntary ban over the last couple of years to encourage pharmacists to stop selling tobacco. We agree with that ban; pharmacists agree with that ban. I have not had one pharmacist approach me and tell me that he or she disagrees with that voluntary ban. Those pharmacists in my riding, and particularly I think of the town of Collingwood, who have voluntarily stopped selling tobacco products over the last couple of years have done so of their own free will, and they've been able to do so at their own time so that they can bring in a business plan to adjust their businesses to accommodate for the lost sales of tobacco products. It's a freedom-of-business issue.

The vending machine issue is also a freedom-of-business issue and we'll be calling upon the government to compensate vending machine operators who may be put out of business or lose a significant amount of their

business as a result of this government deciding to ban the sale of tobacco products from vending machines.

The federal government has very clearly said that it will ban the sale of tobacco products through vending machines in all areas other than licensed premises, in premises where there already is control of those under the age of 19. We agree with the federal legislation and will be calling upon the government to examine closely the provision of this bill which will drive vending machine operators out of business.

I think the government has to learn that these provisions in the bill speak to the issue of jobs. The Premier is here and he has spoken often in this House and I know he tells us that the agenda of his government right now is to maintain jobs and to increase jobs in the province of Ontario.

When the rest of the legislation is pretty good, its intent is good, why throw in this wrench which has got everyone so upset? Why not announce tonight that you're going to take out the provision with respect to pharmacies, take out the provision with respect to vending machines?

I tell you, the bill could go through on the nod, as they say around here. Nobody in his or her right mind as an MPP would simply get up and oppose the other provisions of the bill that are aimed at stopping young people from starting to smoke. Nobody would do that. I assure the minister of that. I'm sure she knows that.

But why, when she had a good thing going for her in terms of this legislation, would she throw in what she knew to be controversial sections? She admitted herself, Mrs Grier did, in the press conference that preceded the announcement of this legislation in this Legislature that it was optics, that the banning of sale of tobacco products in pharmacies was optics.

The government says, "It's intended to send a message to young people that they are not to smoke, that we shouldn't be associating a health facility with the sale of tobacco products and with the habit of smoking." Yet the government has no study and it admits it has no study that actually banning the sale of tobacco products in pharmacies would in any way decrease the consumption or the taking up of the habit by young people. We've challenged the government to bring forward those studies. They admitted in the press conference they don't have those studies.

We've seen in other jurisdictions that it simply isn't the case. You'll drive people who normally don't go to pharmacies anyway, because pharmacies have been pretty good about checking the current age requirements—who better to trust than your local pharmacist with respect to checking for ID and finding out whether the person is 19 years of age or older? A lot of the stuff in this particular section of the act actually defies the government's own logic, its own language and its own intent of this legislation.

I look forward to the committee hearings. I encourage all the pharmacists in this province to come forward. On no matter what side of the issue they are, we want to hear from them. If they have proof on either side, if they have

studies, we want to look at those studies and we want to ensure that the people of this province understand that we see this particular provision as a freedom of business provision.

The Supreme Court has ruled on three occasions now that a government cannot knowingly put a business out of operation. If that is the result of this legislation, there will be court challenges. I again strongly suggest to the government that it remove this controversial provision. Let the bill go through with its good parts and deal with the controversial parts in committee.

The Speaker: I thank the honourable member for Simcoe West for his contribution to the debate and invite any questions and/or comments.

Mrs Margaret Marland (Mississauga South): I would like to commend the member for Simcoe West on his comments on the second reading of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others. I would like to place on the record—and I'm very grateful that at this moment both the Minister of Health and the Premier are sitting opposite me on the floor of this House, because I have met with the pharmacists in my riding and all the pharmacists are asking for is a freedom of choice.

I in fact do have pharmacists in my riding who have never sold tobacco products in their stores. However, I have pharmacists who do sell tobacco products and wish to continue, because they feel that prohibiting them from selling tobacco products will in fact not reduce the access to the people about whom we are concerned.

It is my opinion, and I think this is true, that perhaps the management of the sale of tobacco products in a pharmacist's store by responsible staff can sometimes be more of a controlling factor than in the variety store next door where they may not be quite so strict about selling products to people who are under age.

Frankly, I think the pharmacists in this province have been hit hard enough by this government by the reduction in their dispensing fees for the people who are on the Ontario drug benefit plan. There doesn't seem to be any recognition or appreciation by the government for the tremendous capital investment that the pharmacists have to have in order to have all the medications available in stock in their stores. That is a capital outlay for the pharmacists. I'm concerned about this impact on those pharmacists who choose to have the choice of tobacco products or not.

2340

Mr Peter Kormos (Welland-Thorold): I can tell you that the people down in Welland-Thorold endorse and applaud this initiative by the Minister of Health and regard it as a significant and serious effort to control or inhibit or deter the initiation of a very addictive habit to young people. They're pleased to see this initiative taking place.

At the same time, I've got to tell you this, Mr Speaker, section 7 of the bill is an extremely worrisome thing to the people down in Welland-Thorold as well. People understand the spirit and the intent of the legislation; they've got a hard time understanding outlawing, banning

cigarette vending machines and, more important, destroying that small but significant industry, at least to the people who work in it.

Let's understand who cigarette vending people are, at least down in Niagara and Welland-Thorold. I suspect they're similar to rest of the province. They tend to be mom-and-pop operations, they tend to be very small operations and they tend to be people who have invested modest, lifetime savings in a small business, because perhaps employment wasn't available to them in the workforce.

They also tend to employ people who are at the entry level of employment. We're looking at young people and new employees who really don't have much opportunity for other jobs. I tell you, they've invested significant amounts of money lately, some as much as \$400 a machine, for instance, when the federal government converted over to loonies.

I've talked to people like the folks down at Export Vending in Port Robinson, Falco Vending in Niagara Falls, Royal Vending in Thorold, Vegas Vending in St Catharines—there should be some empathy with the government on Vegas Vending—Dan's Vending in St Catharines, Bestway, Kanes, Murphy Distributing, Lakeshore Vending.

I'm optimistic, because these people have some reasonable solutions to offer to save their businesses, to save the employment they create, yet to maintain the integrity of the legislation. I'm optimistic that the committee will be sympathetic to them and that the committee will give effect to their very rational input.

Mrs Karen Haslam (Perth): I wish I had more time to talk about the young people, because I think that's very important in this legislation, thinking about the young people and the number of 15-year-olds and 11-year-olds and 12-year-olds whom we don't want to start smoking.

My colleague has been talking about pharmacists, and I think it's important to talk about that issue, since that's what he dwelt on today. Pharmacists do in fact back this bill. The request for the legislation came from the pharmacists themselves. There are 2,500 pharmacies in Ontario, and according to the association, 25% of them already do not sell tobacco.

According to the Toronto Star on December 11:

"Pharmacists Back Bill on Tobacco: Pharmacists are health care professionals and as such must make their business the business of health. Clearly, tobacco has no place in our pharmacies."

Again in the Toronto Sun:

"Jim Semchism of the Pharmacists in Support of Bill 119 said it was actually recommended by the Ontario College of Pharmacists in 1991.

"He told a press conference at Queen's Park that business at stores no longer selling tobacco—some stopped in the 1980s—has not been harmed."

The health coalition news release from the Ontario Campaign for Action on Tobacco indicates:

"A 1992 Canadian Pharmaceutical Association survey

shows that, of 56 pharmacies which eliminated tobacco sales, 59% had either no income loss or an increase in overall sales. Thirteen had marginal losses and seven had moderate losses, but all 20 of the latter claimed to have recouped these losses after almost two years."

I think that's what our colleague was asking us about.

I think the most poignant thing about pharmacies was a letter from A. Eliot of Vancouver about selling tobacco:

"Pharmacist Larry Rosen contends that the removal of tobacco sales from pharmacies would constitute an economic catastrophe for many retailers. He states that 'tobacco has helped significantly'"—

The Speaker: The member's time has expired.

Mrs Haslam: That's a shame, because I really would like to read this letter.

Mr James J. Bradley (St Catharines): It's interesting to see the bill finally in the House of course, because it took the member for Ottawa South, Dalton McGuinty, several tries in this House—first of all, in statements; second, in questions to the minister—to stampede the government into finally taking action on this piece of legislation.

I give full credit to Dalton McGuinty for this, because he felt very strongly about this. He asked the questions, he took the time out. I had to bump other people from the question period list just so he could get on to ask his question. Several people here were disappointed that they did not have the opportunity to ask a question, because I thought it was important that Dalton McGuinty have the opportunity to badger the minister into bringing forward progressive legislation.

All of us have met with our local medical officer of health, and the local medical officer of health was wondering, three years after an NDP government, why progressive legislation of this kind would not have been introduced.

Some people said it was the Premier trying to be good to business and not bother business too much, because we know that he associates with the Bay Street types these days and he would not want the business community to be angry with them. But I said I couldn't believe that. I said it just must be an oversight.

I recall when we got the secret list, which was leaked to the opposition, of the government priorities and what they would be introducing in terms of legislation. Did this appear anywhere in the list? No, it did not appear in the list. So thank you, Dalton McGuinty, for doing this for the young people of this province and for improving the health of people in Ontario.

Mr Jim Wilson: My colleague the member for Mississauga South, Mrs Marland, made some very good points with respect to the freedom of choice of pharmacists, again emphasizing what I was saying about the freedom to conduct business in this province, the freedom to sell a legal product without being discriminated against by one's own government.

I know the member for Mississauga South would also like me to put on the record on her behalf that she, along with all of my caucus colleagues, supports the intent of

this legislation. I guess what we'll find out during the committee hearings is whether or not the intent, as the government has told us what the intent is, will indeed be the end result of this legislation, whether it will pass the scrutiny it will receive in the weeks of committee hearings coming up.

I thank the member for Welland-Thorold for his comments about vending machines. I know that's a particular concern of his and I appreciate his support with respect to that issue.

The member for St Catharines talks about the member for Ottawa South, Mr McGuinty, bringing forward his private member's bill. I listened the other night when Mr McGuinty spoke in this Legislature about this bill and I want to say it was one of the best debates I've ever heard. It's too bad he's unable to join us tonight. He talked about this bill in the context of all the work he had done. He pointed out the same flaws with it that I'm pointing out tonight, and he even had time to do a few more than I've had. He pointed out that the government may be well intended but it may be misdirected and has not done as much homework as he has actually done on this issue.

I know he'll be spearheading the bill for the Liberal Party. I look forward to working with him on this issue during the committee hearings because he has taken a lot of personal time to explore this issue and I think he's got a lot of wisdom to share with this Legislature. I commend him for his debate the other evening, and I look forward to the committee hearings once again.

Hon Brian A. Charlton (Government House Leader): Mr Speaker, I've had discussions with the opposition House leaders and I'm rising to seek consent to sit past midnight to finish second reading on this bill—I believe there are a couple of additional members who wish to speak—and then to finish up the intersession motions and the adjournment motion.

The Speaker: Is there unanimous consent to sit beyond 12 of the clock? Agreed. Further debate?

2350

Mr D. James Henderson (Etobicoke-Humber): This bill is indeed a milestone bill, a milestone in the supremacy of reason over passion, and a testament, I agree, to the wisdom and foresight of the member for Ottawa South. I commend the government also for taking up this very worthy cause, and I want to say what I mean by a triumph of reason over passion.

When I was in medical school, I recall a pharmacologist lecturing us in 1962 on the harmfulness of smoking and the link of smoking with lung cancer, chronic bronchitis and a variety of other respiratory diseases, heart attack and strokes and a number of other less frequent vascular and other illnesses. But what I remember most clearly from that pharmacologist was his protest during that lecture in 1962 that all of the scientific evidence had been in for more than a quarter of a century and that very little had yet been done.

It is now 1993, and a lot has been done, yet still too little. This bill takes another small step. Although there are sections of it that I find repugnant, and although my

heart goes out to the inevitable small number of people who are injured by any progressive piece of legislation—and I'm thinking of pharmacists and of course of Ontario's hard-pressed tobacco farmers—this is a good bill, and I will support it, with the proviso that we strengthen programs to assist Ontario's tobacco farmers and be sensitive to the needs of our pharmacists in Ontario.

The contents of this bill are by now well known. The Ontario tobacco act raises the legal age for smoking to 19 and prohibits the sale of tobacco in hospitals. Also, it prohibits the sale of tobacco in psychiatric facilities, nursing homes, pharmacies and a variety of other facilities. It imposes health warnings to be included in the packaging of tobacco products and mandates that vendors of tobacco products must post health warnings. It bans vending machines that sell tobacco products and bans smoking in a variety of facilities. The penalties for violation of this act are substantial. The bill says nothing about Ontario's tobacco farmers. For the purposes of this bill, they do not exist.

I want to begin my discussion of these measures by quoting not a pharmacologist but a pharmacist. I do so not intending to imply that pharmacists across Ontario are unanimously or even necessarily generally in support of Bill 119. I know a number are very distressed about it. Yet some pharmacists are in support, and I want to quote them.

Jim Semchism, a past president of the Ontario Pharmacists' Association, puts the matter rather directly. "Pharmacies," he says, "are health care facilities. In addition, pharmacists are health care professionals and as such must make their business the business of health. Our role is to ensure the safe and effective use of medications to promote health and to prevent disease. Clearly, tobacco has no place in our pharmacies."

An impressive group of pharmacists flesh out his remarks. Their numbers include three former presidents of the Ontario College of Pharmacists, two former presidents of the Ontario Pharmacists' Association, the executive director of the Canadian Pharmaceutical Association, the dean and acting dean of the faculty of pharmacy at a prominent Ontario university, a former registrar of the Ontario College of Pharmacists and of course several other prominent hospital and community pharmacists.

That group defines four basic objectives. First, they support the request made in 1981 by the Ontario College of Pharmacists for legislation to stop the sale of tobacco products in Ontario pharmacies. Second, they support the passage of Bill 119, this Tobacco Control Act. Third, they want to be sure that Ontarians know that many pharmacies in this province have already removed tobacco products from their stores and others have never sold tobacco products. Fourth, they want to tell Ontarians that there is a fundamental conflict when pharmacists, as health care professionals, sell tobacco products.

This bill speaks of banning the sale of tobacco products from health care facilities. Certainly, pharmacies are health care facilities and pharmacists are health care professionals.

To store owners who protest that the loss of tobacco

sale revenue will injure our pharmacies, while one must be sensitive to that view and sensitive to their feelings, one must say also, as the member for Perth pointed out, that the evidence for that is not overwhelming. From the 1992 survey compiled by the Canadian Pharmaceutical Association, of 56 pharmacies which eliminated tobacco sales, 13 had suffered marginal financial losses, seven had suffered moderate financial losses, but all 20 claimed to have recouped those losses within less than two years.

Some members may wonder why I make this point so strongly echoing the views of some Ontario pharmacists. It is not because they are necessarily a majority viewpoint among pharmacists; I don't even know if they are and frankly it doesn't matter to me. I am quoting these pharmacists extensively because they put the argument so very clearly and so very well and I think it is high time that we swallowed whatever hardship may be imposed by really discouraging smoking as a number one killer of Ontarians and went the distance to do whatever we can as legislators to discourage this habit.

As a physician—a physician, incidentally, who spent a little time on the pathology service of a teaching hospital in an Ontario university—I can speak of personal experience in this area. I have looked after patients who were dying of lung cancer or other chest disease and I have known and felt their suffering. I spent a period of time on the pathology service of a hospital not far from Toronto and I have inspected and dissected the lungs of smokers and compared them to the lungs of non-smokers.

I think that everybody should have that experience because the evidence is grim. The lungs of non-smokers are pink, fluffy and spongy. The lungs of smokers are blackened, heavy and sometimes studded with black specks or nodules which are a grim reminder of the awful damage that tobacco byproducts can visit upon human bodies. I think that any ordinary citizen who visited the pathology department of an Ontario hospital and inspected the lungs of smokers and compared them to the lungs of non-smokers would find that experience alone sufficient to discourage them from ever taking up the habit of smoking.

These observations are not confined to my experience and are certainly not limited to recent observation. Physicians for literally centuries have seen the lungs of smokers and compared them in hospital autopsy rooms with the lungs of non-smokers and offered grim warnings about the consequences of smoking. Scientists for at least three quarters of a century, probably more, have substantiated those warnings with hard scientific data.

The lag time in translating what scientists know into what our communities practise in this area has been tragically prolonged. It is only in the last couple of decades that we have really begun to make substantial strides in controlling and ultimately discouraging the use of tobacco products. I think it's relevant to note the presence of Gar Mahood and Michael Perley in the gallery, who have led the fight in many ways for effective legislation and effective action on a series of occasions.

If anything, this bill can be criticized as too little—too little, too late. Just limiting where tobacco products can

be bought and by whom they can be bought and where they can be smoked may not do enough to deter children and teens from taking up this habit. Those who want to will simply find out where they can be bought, find a qualified person to buy them for them if they have to, and smoke where they can or where enforcement is lax. I don't want to speculate about black-marketed tobacco products but it is hard not to think of that as well.

What I would like to see is a widespread, large-scale education and prevention campaign to discourage smokers from smoking and to help and assist those smokers who want to end the habit, but especially I would like to strengthen our preventive and educative measures so that we can join together in a frontal assault on tobacco use.

2400

In fairness, the government does speak of a province-wide education program to be launched about now and speaks of a little over \$3 million to fund that program and I think that initiative is laudable, but still insufficient. I applaud the effort and I regret only that it does not go further.

I hope also that we can spend a little time in the course of tracking this legislation through the committee process thinking about the plight of Ontario's tobacco farmers. They have been a productive and reliable part of the economy of this province, they have been conscientious employers and creators of jobs and they have been reliable taxpayers. They do not deserve to be ignored. We must do more to help them and perhaps there will be opportunities during the committee hearings for people to come forward and say what more can be done to assist this beleaguered sector of Ontario's economy.

As I move towards conclusion, I want to note that one in five preventable deaths among adults in Ontario can be attributed to smoking. Tobacco-related diseases are Ontario's number one public health problem because, in addition to those deaths that I already mentioned, an incredible burden of suffering, illness and disability can be attributed to the use of tobacco. More than 13,000 Ontarians die each year from tobacco use, almost five times as many as die from traffic accidents, suicide and AIDS all combined. One Ontarian dies from tobacco use every 40 minutes in Ontario. That's about three during the course of this debate right here this evening.

More men die of lung cancer in Ontario than any other cancer and 80% of those lung cancers are caused by tobacco use. More than 1,000 Ontario women die each year from lung cancer caused by tobacco use, and lung cancer rates for women have tripled in the last 20 years. Lung cancer killed almost as many women as breast cancer. Mothers who smoke during pregnancy are more likely to have low-birth-weight babies. Those data are shocking.

True, we have made progress. From 1966 to 1990, the number of Ontarians using tobacco has declined by about a third. For some reason, the decline is not equal between the sexes. For men in the last quarter century, the drop has been about 40%, whereas for women it has been about 15%. We need strong measures. So there is much to be dissatisfied with in this legislation, yet also much to praise.

Science is a wonderful thing. When the findings of science can be turned to some commercial purpose or some entrepreneurial purpose, we embrace science with enthusiasm and we proclaim ourselves to be the allies of science. When those conditions aren't met, when the findings of science don't serve a commercial or entrepreneurial purpose, when they reflect on our habits as individuals and as citizens, we aren't so quick. We have neglected too long what science has been telling us about smoking for nearly a century.

I will support this bill because it is another step in the right direction. I would like to see bigger and bolder steps, but let's take the measures of Bill 119, proclaim them and build them into a frontal assault on the use of tobacco as a deadly killer in the province of Ontario.

The Speaker: I thank the honourable member for Etobicoke-Humber for his contribution to the debate and invite questions and/or comments.

Mr Robert V. Callahan (Brampton South): I am a smoker and the only thing that I would care to see is that if there is this concern for smoking, which is an addiction—it's the same as alcohol. We provide treatment centres for people with alcohol addictions; there is also available, as we all know, a medical treatment for tobacco use. Why is there not money made available through whatever program, be it through OHIP or whatever, to provide opportunities for people who are seriously addicted to the use of cigarettes?

I can't dispute the facts that my friend has put forward and others have put forward, but if we are concerned about the fact that our young people and those people who are adults are suffering and dying from this disease, then there should in fact be some assistance monetarily in terms of using the best medical technology we have to attempt to eliminate that habit.

I have to say that raising the age from 18 to 19, I find it somewhat difficult to understand how you're going to police that. We placed in the hands of the small corner store owners the question of dealing with lotteries, and my friend the member for Mississauga West had to in fact introduce a bill to prevent 16-year-olds or younger from spending their lunch money on gambling. How have you not placed a further burden on them to police this? Should it be their obligation or should it in fact be an obligation that's pursued by a government that intends to pursue and to overcome this difficult problem?

I must say that I agree with the member for Etobicoke-Humber that in fact this bill may go a small step towards dealing with this problem, but if realistically we want to make sure that the next generation doesn't get hooked like I got hooked and like many other adults out there got hooked, then we have to find some further solution that's going to deal with that.

Mrs Haslam: I would like to quote from that letter to the Toronto Star from A. Eliot of Vancouver.

"Pharmacist Larry Rosen contends that the removal of tobacco sales from pharmacies would constitute an economic catastrophe for many retailers. He states that 'tobacco has helped significantly in generating customer traffic, which in turn has led to the sale of many other

drugstore products.'

"Having recently buried my father, after watching him gradually die of lung cancer, I can confirm the truth of Mr Rosen's statement. After years of tobacco purchases from the local drugstore, my father was eventually able to extend his custom to the pharmaceutical section, where he found it necessary to purchase drugs such as codeine and morphine in ever increasing quantities.

"In such cases, with tobacco sales from the front cash desk, and drug sales from the back counter, pharmacies are indeed the economic gainers at both ends."

Fully 90% of current smokers start before the age of 20. By the age of 11, one in five has tried smoking at least once. By the age of 15, 22% of boys and 29% of girls are regular or occasional smokers.

It would be easy if we could go into the education system and explain the realities to youth. But, as my teenagers have said to me: "I'm young, so don't tell me I'm going to die. It's doesn't mean that much to me."

I found very interesting a letter to the editor of the Globe and Mail on March 10, 1993. This was by Mark Taylor, who is president of Physicians for a Smoke-Free Canada. He wrote from Halifax. He stated that they took a survey: 23% of 15-year-old students smoke daily in Nova Scotia. They asked students aged 12 to 19 what they knew about the effects of tobacco on the health of smokers. Of those who smoke every day, 91% knew that tobacco caused lung cancer and 80% knew that it caused heart disease. But the education didn't help in those cases.

Mr Drummond White (Durham Centre): My friend the member for Etobicoke-Humber depicts very graphically the blackened lungs and the deaths, the 13,000 deaths that my friend the member for Durham-York mentioned. I smoked myself for some 24 years, up until about six weeks ago.

It's easy for us to deny it, and those kids who start smoking now deny the risks they're involved in. They deny it and they stop smoking with great difficulty in their teens, and even more so in their 30s and 40s. When we hear about the plight of the pharmacists, when we hear about the problems of tobacco sales, we forget and we deny the awesome fact of those 13,000 people who die horrible deaths and those many, many people who are smokers whose activities are curtailed and who inflict that second-hand smoke upon those around them. That denial goes on and on.

It is important that this legislation creates an atmosphere around us that says tobacco smoking is no longer as acceptable as it was—it doesn't stop it, but it's no longer as acceptable as it was—and it creates an environment where youngsters in high school will not be starting to smoke, where they will know full well and hopefully will not engage in that habit.

0010

The Speaker: Further questions and/or comments? The honourable member for Etobicoke-Humber has up to two minutes for his reply.

Mr Henderson: I want to thank those who have commented on my remarks. The point that I want to

emphasize in all of this is, why has it taken so long? We have known for centuries what havoc is wreaked by tobacco on human health; we've known scientifically for nearly a century; scientists, physicians and health care advocates have been telling us for half a century. Why this lag between what we know, what our scientists tell us, what we know as a society and what we practise, what we do?

One could find that lag to be a fascinating subject for scholarly inquiry. If I were a philosopher, I might take that interest. I think much more, though, it's a matter of urgent public health concern that we address ourselves to the evidence, that we wake up to the findings of scientists in this area and that we translate those findings into action.

When scientists told us about venereal disease, we acted. When scientists have been telling us about AIDS, we have acted. When scientists told us about the relation of obesity and lack of fitness to heart disease, a lot of people acted. When scientists told us about the relationship of type A personality to heart disease, we even tried to act there and convert ourselves, some of us, into laid-back type Bs, and that is a very difficult thing to do.

For some reason, in the area of smoking we're very, very slow to take up what we know as a society, turn it into effective programs of public health and really make a difference. This bill takes a step in that direction and that's why I think it should be supported.

The Speaker: Is there further debate? The member for Carleton.

Mr Sean G. Conway (Renfrew North): Speaking of the new puritans.

Mr Norman W. Sterling (Carleton): New? I cannot be accused of being new to this issue. On December 5, 1985, I introduced my first bill, an act to protect the public with regard to second-hand smoke, called Bill 71. That was introduced long before this issue became a popular political thing to do. Quite frankly, a lot of my colleagues looked at me and said, "Norm, are you crazy?" I replied, "Maybe I am and maybe I'm not."

As a former member who just spoke on this issue said, this issue goes back to 1975 when the World Health Organization said that of all the illnesses we have in society the one that we could prevent as legislators, as governments, across our whole globe was the whole addictive habit of smoking. They recognized that as far back as 1975 and here we are in 1993 still dealing with that issue. I think that is a sorry state as a connection between science, health, evidence and in fact legislative action.

I'm not blaming this government for not taking some action, because I am supportive of looking into its efforts with regard to attempting to cut back on this particular addictive habit. I'm not certain this bill will do it, but I am willing to look at it constructively and willing to try to seek the best possible combination in order to protect some of our people in the future.

On April 22, 1986, Bill 71 received second reading. I don't think that any member of this Legislature had before or has since ever taken a matter to the public as I

did, because I tried a different tack as a legislator, one of the things that other members might try to do in order to gain public support behind them, because at that point in time, in 1986, there wasn't a lot of support behind what I was doing. There were organizations like Garfield Mahood's non-smokers' protection association, and I notice him here still pushing this with his people towards a successful conclusion.

I took out an ad in the Toronto Star and a lot of the daily newspapers and I said to people, "Will you write a petition supporting what I am doing?"

Mr Bradley: How did you pay for the ad?

Mr Sterling: I asked them for some money to pay for the ad. It was amazing. What happened was I not only collected enough money to pay for all of the ads—I sent the excess, which was about \$2,000, to the Canadian Cancer Society and the Heart and Stroke Foundation—but I also collected the names of 30,000 people across the province, unorganized, to support what I was doing with regard to this issue. Then, as we travelled through the latter parts of the 1980s, I introduced another number of bills.

I notice the member for Hamilton West is here tonight, the Honourable Richard Allen, who was also interested in this issue and introduced a bill as well. His particular bill dealt with vending machines, and we're dealing with that in this legislation. I think he should deserve some credit for bringing that issue to the fore, because that was part of it.

As we have built over the period of time, my particular concern was to deal with the issue of second-hand smoke in the workplace and in the public place, because I felt that if in fact the issue of smoking was dealt with in a social sense, that if in fact people gained respect for other people's environment, for their air, eventually the habit of smoking would become socially unacceptable.

Now, I understand the addictive nature of tobacco as well.

Mr Conway: Did you ever smoke, Norm?

Mr Sterling: I don't like smoking, but I do like a lot of people who do smoke. I don't like smoking, but I understand that some people make their living from tobacco, from producing tobacco, from manufacturing tobacco.

But the Premier was at that time a member of another political party in opposition, and I can remember that on one of my private member's bills—I think there were six from 1985 to 1989 or 1990—he came in and, as the leader of the New Democratic Party, spoke in support of one of my bills. I appreciated that as a private member because it was part of the public support behind this whole concern about the deadly effects of tobacco. I think his words at that time were, "You know, there are a lot of problems associated with this, but the fact of the matter is that tobacco is a deadly, deadly problem," and we continue on with that deadly, deadly problem.

We have 13,000 people who die prematurely each year in this province as a result of tobacco. That means about 35 people a day. I keep talking about that in daily terms. I mean, if we had a bus run off the road and 35 people

were killed as a result of that accident, that would be headline news across the province of Ontario. But that's happening each and every day of every year in Ontario as a result of the use of tobacco. That's a fact, and nobody can deny that fact.

Therefore, as we move along the road trying to control or help people get away from the addiction of tobacco—and it's a very difficult addiction to get away from. For some people, as explained to me by some of the researchers at the Addiction Research Foundation, for the bottom third, it's fairly easy. For the middle third it's relatively hard and for the top third it's absolutely almost impossible for them to get off the addiction of tobacco. Whatever they try, they can't get off it.

0020

The whole problem or the whole thrust of our efforts at getting at the young people is so, so important, because I don't know what third my kids fall in. I don't know whether they're in the top third of the very addictive kind of person who could never get off it once they were on it or they're in the bottom third where they could either choose to smoke or choose not to smoke.

We have trouble in my party with the part dealing with the pharmacy. I have trouble with it, quite frankly, because we just came through an experience dealing with Sunday shopping and we were talking about pharmacy: what is not a pharmacy, what is a pharmacy. I get concerned when we get into a regulatory area we cannot enforce and we are going to perhaps deal with people who are going to try to get around this legislation in various and nefarious and different methods. That is one concern I have with it.

I've got to tell you the other concern I have with it is that I would rather have a pharmacy selling tobacco than some of the other retail outlets which might sell tobacco, because I think that it is a more controlled environment, that perhaps there is a greater concern over selling to minors than there is in other kinds of retail establishments. That may be right or wrong, but that is my personal feeling about that particular issue.

I don't want to speak long. I guess perhaps I have gone on for about 10 minutes now. I cannot help but be involved in this kind of debate. I want to say that we have been looking for this kind of legislation for a period of time. I congratulate the member for Ottawa South for bringing some legislation forward. It does not surprise me. I was tempted to do the same. However, I knew the minister was probably going to bring this legislation on.

I was a little disappointed, Madam Minister, that you didn't bring forward stricter legislation dealing with smoking in the workplace and also dealing with smoking in the public place on a provincial level rather than on a sporadic municipal level, as we have across the province at this time.

People who go to a restaurant in Toronto or in Hamilton or in Ottawa can be assured that there is a non-smoking section, but if they go to some of our smaller-populated municipalities which do not have the sophistication to create the bylaws, to deal with smoking in public places bylaws, those non-smoking citizens of our

province do not have the opportunity to go to a restaurant and enjoy a meal without smoking in the particular area where they're eating.

I just wanted to put those on record. My caucus has decided to support this bill on second reading. We look forward to the committee hearings on it. We will act in a constructive way during those hearings. We do hope the minister will listen to the arguments about the pharmacy argument.

We are concerned that perhaps the government is overstepping its boundaries in terms of controlling that area and we think that should be either voluntary or controlled by the College of Pharmacists, because the issue is not only one of people who claim they are health care workers, but they are also in fact retailers. I think there are some good arguments on both sides of the issue and I only hope the government has an open mind to both sides of that argument before coming to a final determination on that.

The Speaker: I thank the honourable member for Carleton for his contribution to the debate and invite any questions and/or comments.

Hon Frances Lankin (Minister of Economic Development and Trade): I want to say thank you to the member for Carleton and the member for Hamilton West and other members in this Legislature who have shown leadership on this issue over the years in bringing it forward to the legislative arena. I'm sure I share with them what must be a sense of satisfaction and pleasure at seeing this legislation come forward and seeing some progress being brought to this issue.

I might just on reflection say to the member for Carleton that I note that for years he fought to see this in legislation when he was a member of a party in government and through the period of another government, and here we are and I'm pleased to be part of a government that is delivering on this.

I would mention to him, just in thinking about it, also his progressive work on areas of living will and how he wanted to see that in legislation during the time that he was in a party that was in government, and here this government has enacted that and has done it.

If I might mention, for a number of years he was working on the issue of Quebec-Ontario trade and wanted to see government take tough action. I point out to him that through that period of time and as time has elapsed this government has finally taken action.

Perhaps those are things he might want to reflect on over the intersession. I would always say that there's room on this side of the House and we seem to share a lot and we seem to be able to bring legislative action to a number of the member's priorities.

Let me say, on the issue of the legislation in front of us, how important it is for us to be able to move in such a concrete way to demonstrate the importance of health promotion initiatives, to demonstrate the importance of the shift from illness treatment to illness prevention. There is no clearer issue of health promotion and illness prevention that we can address than the issue of helping to create an atmosphere that stops kids from getting

addicted to tobacco.

I'm thrilled to see this legislation coming forward. I look forward to the debate in public hearings and to the development of a good piece of public policy, a good piece of legislation coming from that which will have a real impact on our health care system and on the health of our population, the health of our kids and their future.

Mr Conway: Mr Speaker, I just want to say something nice about my friend from Manotick because, you know, Normie has a certain irrepressible charm, and for a long time he has sponsored a number of interesting causes.

Mr Mahoney: It's 12:30 on the 15th.

Mr Conway: I know the hour is late, but for those of us who have been around a while, we remember, like the Treasurer—you know, Normie fought Roy McMurtry, unhappily and unsuccessfully, on the issues of freedom of information, but he's really been a loyalist to this cause.

When I hear him in full flight on this kind of a subject, I'm reminded of that old navy call, "I don't smoke, drink or chew, or hang around with people who do." Normie's that kind of a guy, you know. He has been a very powerful advocate on this case over, now, many years. Those of us who live beside him up in the Ottawa Valley have always been impressed by his dedication to this cause.

I don't smoke, and I certainly support the government in this respect. I have some problems about certain particulars, but I think those can be ironed out. But, you know, private members often wrestle with their worth in this place. I've not been one who has sponsored very much private legislation; I just can't get into it. But Normie has and, boy, he's been a real passionate crusader against the evil of the weed. Tonight we celebrate his commitment to that cause and I just have to tip my hat to him.

The Speaker: Further questions and/or comments? If not, the member for Carleton has up to two minutes for his reply.

Mr Sterling: It's pretty hard to respond to all of that. I just want to assure all the residents of the riding of Carleton, I ain't quittin' for an appointment right yet.

Mr Conway: Oh, all right.

The Speaker: Is there further debate? If not, the member for Durham-York with wrap-up comments.

Mr Larry O'Connor (Durham-York): In closing up this debate, I want to thank all those who have participated in the second reading debate. I'm sure we're going to have a very lively discussion around this issue. I think it's one that deserves full consultation around the province and I think that's going to happen. I want to thank the visitors we've had from the coalitions who have spent this evening, at this hour, to be here with us to hear the second reading debate and then move its second reading.

The Speaker: Mr O'Connor has moved second reading of Bill 119. Is it the pleasure of the House that the motion carry? Carried. Shall the bill be ordered for third reading?

Hon Mr Charlton: Social development committee.

The Speaker: The social development committee? So ordered.

0030

Hon Mr Charlton: I have several motions that deal with the intersession and then the adjournment of the House which I need the consent of the House to move.

The Speaker: Agreed? Agreed.

REFERRAL OF BILL 62

Hon Brian A. Charlton (Government House Leader): First, I move that the order of the House dated April 22, 1993, referring Bill 62, An Act to amend the Environmental Protection Act in respect of the Niagara Escarpment, to the standing committee on resources development be rescinded and that Bill 62 be referred to the standing committee on administration of justice.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

COMMITTEE SITTINGS

Hon Brian A. Charlton (Government House Leader): I move that the following committees be authorized to meet during the winter adjournment in accordance with the schedule of meeting dates agreed to by the three party House leaders and tabled with the Clerk of the Assembly to examine and inquire into the following matters:

Standing committee on administration of justice for eight days to consider Bill 3, An Act to provide for Access to Information relating to the affairs of Teranet Land Information Services Inc., and Bill 20, An Act to protect the Persons, Property and Rights of Tenants and Landlords, and Bill 62, An Act to amend the Environmental Protection Act in respect of the Niagara Escarpment;

Standing committee on finance and economic affairs for four days to consider the matter of the underground economy and for eight days for pre-budget consultation;

Standing committee on general government for 16 days of public hearings and four days of clause-by-clause consideration of Bill 120, An Act to amend certain statutes concerning residential property, and for four days to consider Bill 21, An Act to amend certain Acts with respect to Land Leases, and Bill 95, An Act to provide for the passing of vital services by-laws by the City of North York;

Standing committee on government agencies for two days each month that the House does not meet to review intended appointments and for 12 days to consider the operation of certain agencies, boards and commissions of the government of Ontario as provided in its terms of reference;

Standing committee on the Legislative Assembly for a period of time agreed by the three party House leaders to consider the matter of the appointment of the Environmental Commissioner and to report to the House its recommended candidate for appointment as the Environmental Commissioner and for eight days to consider the Municipal Freedom of Information and Protection of Privacy Act;

Standing committee on public accounts for 12 days to

consider sections 3.04, 3.05, 3.07, 3.08, 3.17 of the 1993 Annual Report of the Provincial Auditor and to consider changes to the accounting methods of the government of Ontario;

Standing committee on resources development for eight days of public hearings and four days of clause-by-clause to consider Bill 123, An Act respecting the Construction Industry Workforce;

Standing committee on social development for 12 days of public hearings and four days of clause-by-clause consideration of Bill 119, An Act to prevent the Provision of Tobacco to Young Persons and to Regulate its Sale and Use by Others;

And that with the agreement of the House leaders of each recognized party, the time allotted and matters specified for consideration by the committees may be amended.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

COMMITTEE REPORTS

Hon Brian A. Charlton (Government House Leader): I move that committees be authorized to release reports during the winter adjournment by depositing a copy of any report with the Clerk of the Assembly, and upon the resumption of the meetings of the House the Chairs of such committees shall bring any such

reports before the House in accordance with the standing orders.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

SPRING MEETING

Hon Brian A. Charlton (Government House Leader): Lastly and finally, I move that when the House adjourns today, it shall stand adjourned until 1:30 pm on Monday, March 21, 1994.

The Speaker (Hon David Warner): Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned—sorry?

Mr Norman W. Sterling (Carleton): On a point of order, Mr Speaker: I'd just like to wish the member for Stormont, Dundas and Glengarry and East Grenville a happy 10th anniversary tomorrow, December 15, on his election to this Legislative Assembly.

Hon Mr Charlton: I move the adjournment of the House.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 1:30 of the clock, Monday, March 21, 1994.

The House adjourned at 0038.

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